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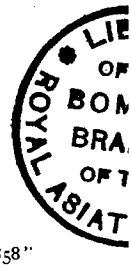
THE

LAND OF HOME RULE

An Essay

ON THE HISTORY AND CONSTITUTION OF

THE ISLE OF MAN



BY

SPENCER WALPOLE

AUTHOR OF "A HISTORY OF ENGLAND FROM 1815 TO 1858"

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"I mentioned a scheme which I had of making a tour to the Isle of Man, and giving a full account of it; and that Mr. Burke had playfully suggested as a motto,

'The proper study of Mankind is Man.'"

—BOSWELL'S "LIFE OF JOHNSON."

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THE LAND OF HOME RULE.

CHAPTER I.

THE PREHISTORIC PERIOD.

HISTORIANS are naturally inclined to select as subjects for their investigation the careers of great men or the rise and fall of great communities. They reject, as hardly worthy of their labours, the story of those smaller nations which have exercised no considerable influence on the fortunes or the progress of the human family. And their choice is at least intelligible. "Les grands événements et les grands hommes sont les points fixes et les sommets de l'histoire; c'est de là qu'on peut la considérer dans son ensemble, et la suivre dans ses grandes voies." But the byways as well as the highways of the world teem with matter for the observer to watch, the moralist to study, the teacher to explain. The new discoveries, the new ideas, which have added dignity to man, have been elaborated at least as frequently in the cottage as in the palace; the struggle for existence, on which progress has depended, has been as acute and bitter in the village as in the town; and the writer who relates the story of a small community will usually find that its fortunes have been affected by the causes which have influenced the progress of mighty empires.

This circumstance has been illustrated in our own time by the selection which a great historian has made for the subject of a comprehensive history. Mr. Freeman had the perspicacity

to see that the story of the Norman conquest of England could be properly accompanied by the story of the Norman conquest of Sicily. But, in addressing himself to this task, he fortunately did not confine himself to a single episode in the annals of the island. He saw that the annals of Sicily illustrated in a striking way the great struggle between East and West which contributes the longest and perhaps the most important chapter to the history of mankind. The comparatively little island in the Mediterranean in which the Sikel had supplanted the Sikan, and in which Phœnician and Greek, Greek and Roman, Rome and Carthage, Norman and Italian, Saracen and Christian, had successively struggled for supremacy, furnished in this way an epitome of universal history. The little island which forms the subject of the present work cannot boast that it reflects in its annals the history of mankind, but it may at least claim that it has witnessed many of the changes which have affected the destinies of the larger countries around it. Like them, it has seen the irruption of successive races, who have all left their mark on the character of its people and on the names of the country. Like them, or like the larger island of Great Britain, it has successfully preserved the independence which its ancestors secured for it. It enjoys such advantages as autonomous institutions can confer on a people, and it has retained these privileges while neighbouring and larger communities have been deprived of them.

"There is a current tradition, both in Ireland and the Isle of Man, that in the wars of the giants one took up a handful of earth, which he threw at another, but missed his aim. The place from which the handful of earth was lifted became Lough Neagh, and that at which it fell the Isle of Man."[1] If this legendary Titan missed his opponent, he at any rate achieved a notable purpose; for the precious handful of earth, which

[1] Manx Society's Publications, vol. xv. p. 123.

thus became the Land of Man, and which was destined to form an island thirty-four miles in length and eight to twelve miles in width, fell in the very centre of the United Kingdom, every division of which may be seen from its highlands on a clear day at the same time. The Cumberland hills in England, the Mull of Galloway and Burrow Head, the two arms which enclose Luce Bay in Scotland, the Mourne hills in Ireland, and the Snowdon range in Wales, may all be simultaneously detected from the summits of many of its mountains. Hence, in his "Poetic Vision," Cowley placed himself on a Manx mountain to deplore the miseries and calamities of the nation,[1] while Wordsworth says—

> "Off with yon cloud, old Snaefell! that thine eye
> Over three realms may take its widest range."

Thus the sea in which the island lies is almost completely land-locked. On the north-west, indeed, the waves which have gathered in the Atlantic are occasionally driven by tide and wind through the comparatively narrow strait which separates Scotland from Ireland. On the south-west, St. George's Channel affords direct communication with the Atlantic. The seas which sweep past Holyhead and the Mull of Galloway increase, not in size, but in fury, as they are driven into the shallower and land-locked waters which surround the island. But, if the situation of the Isle of Man accounts for its storms, it is also answerable for its climate; for while, on the one hand, it lies in the direct course of those barometric depressions which, created either in America or in mid-ocean, pass so constantly over these islands, on the other hand its climate is tempered by the influence of the Gulf Stream, which

[1] "I was suddenly transported afar off (whether in the body or out of the body, like St. Paul, I know not), and found myself on the summit of that famous hill in the Island Mona, which has the prospect of three great, and not long since most happy, kingdoms."—*Preface to the "Vision."*

follows the same route, and one branch of which impinges on its shores. The surrounding waters still further temper its summer heat and its winter cold; so that few places in the world, and probably no place situated so far north, can claim a milder and more equable climate.[2]

Its position in the ocean has affected its shape. It lies with its face to the south-east. The currents which sweep past it are perpetually gnawing away portions of its surface, and the north-east as well as the north-west coasts are slowly crumbling before the advancing waters. The rocks which fringe its shores on the south-east and the south-west, and which rise at Spanish Head into perpendicular cliffs 350 or 400 feet high, have in these parts afforded more effectual protection against the inroads of the waters; but, in the lapse of centuries, the hard rock is no more able than the soft clay to resist the impression of the moving flood, and the shape of the island has thus been largely affected by the currents which impinge upon it.

In a physical sense the island is divided into two parts by a high range of hills which intersects it from the north-east to the south-west. The land under plough lies to the north-west and south-east of these highlands. This natural feature has made a permanent impression on the history, the constitution, and the arrangements of the Isle of Man. The hills are intersected in its centre by a low valley, once probably submerged beneath the ocean, but which now forms the bed of two streams, finding their way into the sea on the west and on the east. In the north, where the hills are highest, rising

[2] Humboldt pointed out long ago that the latitude of the Isle of Man is 54° 12′, that of Bordeaux 44° 50′ (or nearly ten degrees farther south). Bordeaux, according to the same authority, has a mean summer heat of 21.7° Centigrade, against 13.16° in the Isle of Man; but its mean winter heat is only 6.1°, against 5.53° in the Isle of Man. The range is thus only 7.23° in the island, and no less than 15.6° in Bordeaux.

in one place to 2000 and in other places to 1800 and 1600 feet, the only roads originally ran round the mountains. In the south, where the hills on the south-west fall precipitately into the sea, the roads were carried over the highlands or through passes between adjacent hills.

The mountain range which thus forms the backbone of the Isle of Man, and over which red-deer roamed and grouse flew less than two centuries ago, consists almost entirely of schist. This schist, which is of great thickness, in the south of the island is built up in horizontal strata, but in its centre is tilted at an angle which is said to average 60 degrees. In the north-east and towards the south-west the granite, on which the schist reposes, has risen up in what have been called "gigantic bubbles of molten matter, forcing itself in amongst the schists wherever they gave way."[1] It is chiefly in the neighbourhood of these granitic outbursts that the rich veins of lead, which have added largely to the wealth of the island, have been discovered. But these granitic bubbles do not supply the only evidence of volcanic action; distinct traces of such disturbance may be found in the south. The Stack of Scarlett, which forms the south-western boundary of Castletown Bay, is believed to be the crater of an extinct volcano. A violent convulsion, which ran from Scarlett to Poolvash, crumpled up the strata into a series of folds, and has to some extent rendered the geological history of the island a little more difficult to determine. Volcanic action continued till historic times, and one of the earliest records of Man is of a great earthquake rather more than 1200 years ago.[2]

Vast ages must necessarily have elapsed while the schist rocks, which form the backbone of the island, were being

[1] Cumming's Isle of Man, p. 237.

[2] "Terræ motus in Eubonia factus est magnus."—*Annales Cambriæ*, Manx Society's Publications, vol. iv. p. 26. Cf. Ibid., p. 31.

slowly deposited on the bottom of some prehistoric sea from the debris which was washed down from some prehistoric continent. During the whole of that period the rocks were slowly sinking. But the period of depression passed away. An elevating process set in; and the rocks, slowly raised above the surface of the sea, presented the appearance of an island or a series of islands to such animals as may have been there to gaze upon them. "As the land gradually emerged above the surface of the waters, a thick bed of dark red conglomerate formed along the southern shore of the partially upheaved island, with a corresponding deposit of soft red sandstone along its north-western side."[1] The latter ultimately hardened into the old red sandstone which colours the cliffs at Peel. The former passes "with great regularity into the overlying carboniferous limestone." While the latter deposits were taking place, the island enjoyed a heat which was tropical. It was subjected to volcanic action, which profoundly affected the character of the growing strata. Hence, in a comparatively small area, the limestones are won which furnish the farmer with a rich fertilising agent, which formed the material out of which Castle Rushen has been erected, and with which many of the piers and quays of the island have been faced, and which has supplied the so-called black marble out of which the steps of St. Paul's Cathedral in London have been hewn. But change again set in. The land, which had been slowly rising, was again depressed; the climate, which had been tropical in its warmth, grew colder and colder. Gravel beds formed beneath the surface of the waters in the valleys and at the roots of the mountains, and covered the area which lies to the north-west of the bisecting range of hills.[2]

[1] Brown's Guide to the Isle of Man, "Physical History," p. 357.

[2] This area may possibly contain later rocks than the other parts of the island; and if coal should ever be found in it, it can only be found here.

Then succeeded that glacial epoch, or those series of glacial epochs, which have left so enduring a mark on the face of the British Islands. The great river of ice which slowly streamed from Southern Scotland covered the Isle of Man and filled up the circumjacent sea. It stood at such a height above the surface of the land that it deflected the glaciers from the Cumberland mountains, giving them a south-eastern course, instead of allowing them to find their natural outlet towards the south-west. Ample record of this period may be found in the stiff boulder clay which the sea is gradually wearing away in Michael and Jurby on the west, and at Hango Hill on the south-east; while here and there on the hill-tops erratic blocks may be met with, which have been carried from distant places and deposited by the melting ice.

While the ice still covered the island, or even while, at its final retreat, an opportunity was afforded for the incoming of the higher forms of life, the distribution of sea and land in North-Western Europe differed widely from that with which we are now acquainted. A continuous continent stretched over the whole of the British Islands. The Rhine and the Thames joined their waters in the latitude of Northumberland, and, flowing in a northerly course, found an outlet in a northern ocean to the north-east of the Shetland Islands. The Mersey, the Dee, and the rivers of North-Western Britain were joined with the Liffey, and were finally discharged into the sea to the south-west of the Long Island. The mammalia of Pleistocene Europe were thus able to move over a continuous continent to every portion of the United Kingdom; and, when man made his first appearance in these islands, he was in all probability able to avail himself of the same advantage.[1] When

[1] See Boyd Dawkins' Early Man in Britain p. 150, where a map of Pleistocene Europe is given. Mr. Freeman says, "I know few things more instructive than a look at Mr. Dawkins' map of what we may call Eskimo

a period of subsidence again set in, land and water in these latitudes gradually assumed the distribution with which we are now familiar. But it is probable that the ultimate separation of the Isle of Man from England preceded its final division from Ireland. In this way it seems possible to account for the presence of the great Irish elk in both Ireland and the Isle of Man, and the absence of snakes and toads from both countries. Such an explanation is more satisfactory to the inquirer than the popular tradition that reptiles were excluded from those districts in which St. Patrick carried on his labours.[1]

The physical characteristics of a country largely influence the history of its people, and the reader should always endeavour to have some acquaintance with the natural features of a land whose annals he is studying. But the physical history of the Isle of Man is of more importance, because it has produced that rich and varied scenery which has made it the playground of Northern England. In few other places is it possible for the eye to refresh itself with more agreeable prospects. Though its mountains are small compared with those of either Cumberland or Wales, their situation, springing as they do almost directly from the sea, adds to their apparent height; while their outline has been moulded by ice and water into forms of peculiar beauty. Descending in some places precipitately into the sea, they have invested the coasts of the island with the charm that attaches to cliff scenery. Though the winds which sweep from the Atlantic have prevented their being clothed with timber, trees grow with luxuriance in every sheltered nook.

Europe. We feel at once that the European history which we have to master could never have happened in such an Europe as that." (Methods of Hist. Study, pp. 45, 46). The remark applies to the map on p. 111 of Mr. Dawkins' work. It is equally applicable to that on p. 150.

[1] Cf. a paper by Professor Forbes in Cumming's "Isle of Man" on the Flora of the island, p. 360.

The deep watercourses which have been gradually cut into the mountain ranges in the centre of the island, and the shorter glens, which carry the drainage of the hills more directly down their slopes into the sea, afford many opportunities for the growth of timber. And in these glens, which form so agreeable a feature to the tourist, the ash and the sycamore, the natural weeds of the country, mingle their foliage with the deeper tints of the oak, the elm, the beech, and the fir. Ferns, from the rare osmundi to the delicate maidenhair, root themselves in every crevice in the rock over which the water in the glen tumbles; the bracken, which grows luxuriantly at the side, is alternated with the beautiful colours of a singularly rich flora; in the early spring the great dykes, which are the common fences of the country, are ablaze with gorse; while in August the heather and the gorse, blowing together on the mountain-tops, present a rich carpet of colour which might move a Linnæus to tears.

Of the river courses, which thus contribute to the natural beauties of the island, the four most important are the Sulby, which falls into the sea at Ramsey; the Glass, or Clear River, with its tributary the Dhoo, or Dark River, which form the harbour and give a name to Douglas; the Neb, which joins the western sea at Peel; and the Silverburn, which discharges its waters into Castletown Bay. From time immemorial the largest places in the island have been situated at the mouths of these rivers. Thus, in little Man as well as in larger England, the towns have naturally seated themselves on the banks of the principal streams. Their names and those of the rivers on which they are built singularly illustrate the history of the island. The Dhoo and the Glas,[1] with their compound

[1] This is equally true if Mr. Moore is right in following Joyce and defining Glas as a small stream or brook. Surnames and Place-Names of the Isle of Man, p. 175.

Douglas, the Neb and Peel, are purely Celtic words. The Sulby, and Ramsey (Hrafn's Water or Raven's Water[1]) are Norse names. Castletown and Silverburn are modern names, the English rendering of the Manx or Celtic Ballacashel and Awin (Avon) Argid.

But the name of the island itself has a more enduring interest than the names of its principal towns. In Cæsar, Man is Mona; in Ptolemy, Monoæda; in Pliny, Monabia; in Bede, Menabia: in Gildas, Eubonia; in the Norse sagas, Manu or Man; in the Welsh records, Manaw (the Irish genitive being Mannan): the natives call it Mannin or Vannin; the English, Man. This nomenclature is further complicated by the facts that the ancient name of the Isle of Anglesey, which still survives in the Menai Straits, was also Mona; and that, while Tacitus applies the term Mona to Anglesey, Cæsar uses it for Man.[2]

Various explanations have been given of the name. Mr. Train[3] thinks that it may be derived from Maedhon In, the Middle Island; Mr. Cumming[4] is inclined to ascribe it to Maen, a pile of stones, the word that occurs in Penmaenmaur. Blundell refers it to Maune, one of the names of St. Patrick;[5] others have derived it from Mon, isolated; while a recent writer has ascribed it to another Mon, "the most ancient Celtic name" for a cow, and has found corroboration for his

[1] The raven was the war-standard of the Danes.

[2] Cæsar, who, it must be recollected, wrote on hearsay, having never been in the North of England, says of Ireland: "Dimidio minor, ut æstimatur, quam Britannia, sed pari spatio transmissus, atque ex Gallia, est in Britanniam. In hoc medio cursu est insula quæ appellatur Mona." Tacitus, in his account of the expedition against Anglesey, says that the infantry crossed over to it in flat-bottomed boats, the cavalry followed on the shoals, swimming the deeper channels.

[3] Hist. of Isle of Man, vol. i. p. 39.

[4] Cumming's Isle of Man, p. 256.

[5] Manx Society Publications, vol. xxv. p. 20.

theory in the survival of the Calf.[1] The Manx themselves refer the name to ManAnnan or Mananan MacLir—Mananan the Son of the Sea, who in Manx and Irish legend was the first man who held the island. But, without entering at present into the question whether Mananan had a real existence or not, it seems much more likely that he should have derived his name from the island than that the island should have derived its name from him, for Cæsar's application of the word Mona to Man is more than four centuries older than the traditional age of Mananan MacLir; while, as no tradition connects him with Anglesey, the contrary hypothesis would fail to account for the same name being applied to both places.[2]

Professor Rhys, in our own time, has had the merit of making a more plausible suggestion. He says, in effect, that the name which the Celts gave to the land of the Picts was Mann or Mannin; that the Irish or Goidelic Celts would call the Islands of the Picts the Isles of the Mannan; and that the circumstance that the name Man was applied to two islands is a proof that the original inhabitants of both were a Pictish tribe, and that both naturally received the name of the Pictish Islands.

In confirmation of this etymology it may be added that the region which the Picts occupied on the southern side of the Firth of Forth in a late period of the Roman occupation was "called by the Welsh Manaw of the Gododin, to distinguish it from another Manaw beyond the Forth, as well as from the Isle of Man, which appears in the same language as the Island of Manaw."[3] The Welsh form of the word may be traced

[1] The Calf is the name of the islet south-west of Man.

[2] Manx Soc. Pub., vol. xv. p. 140.

[3] Celtic Britain, p. 112, and Skene's Celtic Scotland, vol. i. p. 131. Manaw of the Gododin is believed to have included the part of Lothian where

again in Monmouth, the Mouth of the Monnow or Monaw, and possibly in Munster; the Goidelic form in Slamannan Moor (in Linlithgowshire) and in Clackmannan;[1] the Latin form in the Menapii of Ireland and Gaul, in Menevia, the old name of St. David's,[2] and in the Menai Straits.

With this information before us, it is easy to obtain a rational derivation. So far from any difficulty arising from Anglesey having once borne the same name, the identity of nomenclature helps to establish the derivation. For, just as Great Britain and Ireland are the British Islands, the two Monas are the Pictish Islands; and the name of the Picts is not confined to these islets. It extends to other places in Scotland, Wales, and Ireland, where the Picts retreated or dwelt. Thus, to sum up the whole thing, the Isle of Man is the Isle of the Picts; in Gaelic, the Isle of Mannan; in Welsh, the Isle of Monaw; in Latin, Menapia and Mona; in Manx, Ellan Vannin; in English, the Isle of Man.

If, however, Professor Rhys is thus correct, we obtain from his researches more than a rational etymology for the word: we are introduced at once to the first inhabitants, or, at any rate, to the first Neolithic inhabitants of the island. From a purely insular point of view, we might be satisfied with this position. But, if the history of even a little island like Man can throw light on larger historical problems, we ought not to

Edinburgh is situated and a portion of the Pentland Hills. Pentland is supposed to have been a corruption of Pehtland, the land of the Peht or Pict. Thus probably the Pentland Firth in the North of Scotland and the Pentland Hills in the South owe their name to the presence of the Pictish branch of the Iberian race.

[1] Celtic Britain, p. 154.

[2] Mrs. J. R. Green tells me that among the gifts paid by the municipality of Canterbury in the fifteenth century were gifts to the Bishop of St. David's, who got a double supply, one grant being provided for the Episcopus Menevensis, and another for the Bishop of St. David's. Conf. Mann, its Names and their Origin, in Manx Soc. Pub.; vol. xxx.

be contented with the bare statement: we ought to endeavour to discover who were the Picts whom we find in original possession of Man.

Till a comparatively recent period one answer would at once have been returned to this inquiry. "All ancient writers," wrote Hume, expressing the knowledge of his time, "agree in representing the first inhabitants of Britain as a tribe of the Gauls or Celtæ, who peopled that island from the neighbouring Continent;" and again—"The Picts seem to have been a tribe of the native British race, who, having been chased into the northern parts by the conquests of Agricola, had there intermingled with the ancient inhabitants. The Scots were derived from the same Celtic origin."[1] Hume does not seem to have seen that these two passages are not entirely consistent. For, if it be true that the first inhabitants of Britain were a tribe of the Gauls or Celtæ, then a branch of this tribe driven into the highland fastnesses by Agricola could have found no more ancient inhabitants with whom they could intermingle. But the fact is that Hume's statement is opposed to what we know of the early history of Britain, and is inconsistent both with the discoveries of ethnologists and geologists in our own time, and with the evidence which may be drawn from the present inhabitants of these islands. Moreover, Cæsar divides the inhabitants of Gaul into three races—the Aquitani (or Iberians, to use the usual name), the Celts, and the Belgæ—and Tacitus identifies the inhabitants of Wales or the Silures with the Iberian race: "Silurum colorati vultus torti plerumque crines, et positaa contra Hispania, Iberos veteres trajecisse, easque sedes occupasse, fidem faciunt."[2]

These Iberians, the oldest Neolithic race known in Europe, a small, dark-haired, dolicocephalic people, are believed at

[1] Hist. of England, vol. i. pp. 2, 12.
[2] Agricola, ch. xi.

one time to have occupied the whole of Europe west of the Rhine. They gave their name to ancient Spain; they have left their representatives on the Continent in the Basques; they are allied with the Berbers of Northern Africa; they were probably identical with the Sikans, the primeval inhabitants of Sicily. At the dawn of written history they were already retreating before the great Celtic race which has made so much impression on Western Europe. But, though the Iberian retreated before the Celt, he does not seem to have died out before him. The history of France, and perhaps our own history, proves that the two races possessed rare powers of amalgamation. While, though the Iberians were the inferior, the Celtic the superior race, the prevalence—perhaps the increasing prevalence—of small, dark-haired men, both in France and the British Islands, shows how strong has been the tendency of the earlier people to survive.

The evidence that the Silures of Wales were identical with the Iberians of the Continent does not rest on the testimony of Tacitus alone. "There is," writes Professor Boyd Dawkins, "clear proof that the Iberic element in the Welsh and Scotch peoples formerly possessed the whole of the British Isles in the remote period defined by archæologists as the age of polished stone or the Neolithic age. The numerous skeletons found in tombs and caves throughout the length and breadth of these islands prove that they were the only folk in these islands before metals were known."[1] "The small dark race," he writes in another paper, "is to be found in certain mountainous and inaccessible regions in the west. We have them in certain parts of Wales, we have them in Ireland, we have them in the Highlands, they are isolated fragments of one people who were formerly homogeneous."[2] This conclu-

[1] The Place of the Welsh in the History of Britain, p. 11.

[2] Our Ancestors, p. 4.

sion might easily be supported by other testimony. In a little book of this character it must suffice to say that it is accepted by Dr. Beddoe, by Mr. Isaac Taylor, by Professor Rhys, by Mr. Elton, and by most competent authorities. It has been neglected by historians only because historians unfortunately commence their narratives with legendary, traditional, and written history, and are apt to overlook the important and reliable evidence which the ethnologist and the geologist throw on the early history of mankind.

While this small, dark-haired, pre-Aryan race was in possession of these islands, Britain suffered two great invasions by different branches of the Celtic family. The first to arrive were the Goidels or Gaels, who were followed, probably some centuries later, by the Brythons or Britons. The new-comers were very different from the primitive people whom they were destined to supersede. Instead of being short, dark-haired, and dolicocephalic, they were a "tall, muscular, brachycephalic [race], and almost certainly with xanthous or rufous hair and florid complexion." [1] They were, moreover, in enjoyment of a higher civilisation. The primitive Iberian was still in the age of stone; the Celt, before he entered this country, was already in the age of metal. The progress of mankind is written in the history of its tools, and a people skilled in metal-work was certain to prove its superiority over a race that had no better implement or arm than a polished stone.

The two Celtic invasions must not be supposed to have been sudden in their accomplishment. The new-comers arrived by instalments; their arrival was probably protracted over centuries. They came, as the Saxon has come in our own time in America and Australia, gradually settling on the lands to which they moved. But their coming was marked by the consequence which must always result from the arrival of

[1] Isaac Taylor's Origin of the Aryans, p. 69.

a superior race among an inferior people. The Iberian retired before the Goidel, the Goidel afterwards retired before the Brython, into the more inaccessible fastnesses of the country. But, when they reached these fastnesses, the Iberian was not extirpated by the Goidel, and the Goidel was hardly disturbed by the Brython. The two races, the Iberian and the Celt, showed the capacity to amalgamate which had previously been witnessed, and had produced the Celt-Iberian on the Continent. The inferior race adopted the civilisation and the language of the superior new-comer; and Celtic, or the two branches of the Celtic tongue—Gaelic and Welsh—became for a time the universal language of the British Islands.

Professor Boyd Dawkins and Professor Rhys have both endeavoured to record on maps the distribution of these various people. The former is of opinion that, in what he calls the historic period, the Iberian race was in occupation of South-Western Ireland (the tract roughly corresponding with our Munster) and of Wales; the Goidelic Celts of the rest of Ireland, and of the whole of Scotland and England from the Firth of Forth to the northern watershed of the Thames; and the Belgæ of South-Eastern England. He hesitates to ascribe any particular race to Northern Scotland, South-Western England, and the Isle of Man.[1] The latter thinks that the Iberians were still in undisturbed occupation of the whole of Northern Scotland, including the Western Islands; that the Gaels occupied Central and South-Western Scotland, the Lake Country, the Isle of Man, North and South Wales and South-Western England; but that there were strong remnants of the Iberian race throughout all these districts. The remaining portions of Great Britain he assigns to the Brythons.

Take for the moment these hypotheses, so far as they agree, as proved. They will be found to throw fresh light on modern

[1] See his map facing p. 319 of "Early Man in Britain."

history; for they at once remove the difficulty of assuming that the small, black-haired race, which may still be seen in Ireland, in Wales, and in the Highlands and Islands of Scotland, can be descended from the tall, fair-haired Celt of history. The man whom the modern Englishman regards as a typical Celt becomes a typical Iberian, and the political difficulties which he refers to the Celt are really attributable to the Iberian.[1]

The original Pictish inhabitants of the island possibly lived, or have, at any rate, left the chief trace of their existence, in its southern parts. The upright stones, which are believed to have surrounded their hut dwellings,[2] may still be seen on the Meayll or Mull above Port Erin, and on the Sloc or Gully on the Slopes of Cronkny-Irey-Lhaa. Possibly evidence of the same kind may be found in the prevalence of the name Rushen in the south of the island. The southern Sheading is Rushen; the southern parish, Rushen; the southern town, Castletown, was originally Rushen; its castle is still Castle Rushen; and when, in the twelfth century, an abbey was founded in the neighbourhood, it was styled Rushen Abbey. The etymology of Rushen is not quite clear. But "the most probable interpretation is that [it] derived its name from St. Russein, of Inis Picht, mentioned in the Martyrology of Tallaght,"[3] and this derivation, again, confirms the previous argument;

[1] It is a common saying, for instance, which Mr. Gladstone, among others, is fond of repeating, that Celtic nations never supply a deep-sea fishing population. But this is not true either of the Breton in France or of the Celt in Cornwall. It is universally true of the race which Professor Rhys classes as Iberian.

[2] These stones, however, are in circles; and, as it is doubtful whether a Pictish people ever dwelt in circular houses, it seems probable that they may have been erected by their Celtic successors. Cf. however, Rhys' Welsh Philology, p. 193.

[3] Surnames and Place-Names of the Isle of Man, p. 212. Cf. Train's Hist. Isle of Man, vol. ii. p. 340.

for St. Russein of Inis Picht would be St. Rushen of the Pictish Isles, St. Russein of the Welsh Manaw and the Gaelic Mannan.

The fact that the island was originally inhabited by Iberians of small stature possibly accounts for the prevalent superstition that its earlier possessors were fairies or little people. Various tales are still told of their appearance in the olden time,[1] of the horses they rode, of the saddles they used,[2] of the stones which they moved, of the churches which they unroofed, and of other pranks that they played. Even at the present day many Manxmen avoid particular roads at night from a dread of meeting these little people.

But at the dawn of the historic period these small, dark-haired people were not in sole possession of the island. The Goidelic Celts or Gaels had already crossed over to Ireland, and must almost necessarily have settled in an island which was adjacent to their possessions in Ireland, Scotland, and Wales. With the Gaels, Druidism, in all probability, must have come, if it had not been already established in the island. Sir Inigo Jones styled Mann "Insula Druidum et sedes Druidum." "Hector Boetius averreth that Man was the principal mansion seat of the Druids, where their chief bishop had his residence, and had his ball of fire there car-

[1] See, *inter alia*, Waldron's Isle of Man, p. 126 of folio edition, and pp. 5, 7, 28, in Manx Soc. Pub., vol. xi. Waldron's story is quoted, not quite accurately, in Train's History of the Isle of Man, vol. ii. p. 154, and copied evidently from Train into Brown's Guide-Book.

[2] The fairy saddle, a huge block of stone roughly resembling a saddle, is preserved in the road called the Saddle Road, running between Kirby and Ballaughton, near Douglas. In the days of smuggling in the last century the smugglers are said to have been in the habit of seizing the farmers' horses to enable them to draw their cargoes from the coast. When the farmer found his horses tired in the morning, the popular explanation was that the fairies had used them in the night. As the "fairies" were in the habit of considerately leaving a small keg of whisky in the horses' stable, the explanation was as satisfactory to the farmer as it proved to the smuggler.

ried before him; and Camden calleth it the most noble and ancient seat of the Druids. Hollinshed affirmeth the Druids to have been in Man even from the beginning. The Ecclesiastical History of Great Britain saith it was the chief seat of the Druids."[1] Archbishop Spottiswood, who wrote in the seventeenth century, and Blundell, who was compiling his "History of the Isle of Man" at the same time, accepted these authorities; nor does there seem any reason for doubting the testimony of the early historians. Some of the numerous stone circles, which earlier ages ascribed to the Druids, modern criticism has shown to be places of later sepulture,[2] while Druidale—the name of a gorge in the mountains—is known to be a word of modern origin. But these circumstances need not affect the conclusion that Druidism must almost necessarily have existed in Man. Whether we accept the ordinary opinion that Druidism was the religion of the Celtic people, or whether we incline to Professor Rhys' view that Druidism was the cult of the primitive pre-Aryan race, which was adopted by the Goidelic Celts,[3] it is equally rational to assume that Iberian and Gaul would have carried their worship with them to Man. And it is, to say the least, probable that when the Romans, in the time of Claudius, commenced their persecution of the Druids, the same causes which made the Druids retire for safety to Anglesey would have induced many of the more timid of them to withdraw to the greater security of a more isolated island. There may be no authority for it, but there is at least some inherent proba-

[1] Blundell's History of the Isle of Man, Manx Soc. Pub., vol. xxv. p. 11.

[2] See, *inter alia*, a note of Mr. Cumming's in Manx Society Publications, vol. i. p. 176. The stone circle on the Mull is shown to surround a series of kist-vaens or tombs, but the stone circle in Marown was possibly Druidical. It is situated near the head of Glen Darragh, the Vale of Oaks, a name which suggests its connection with Druidism.

[3] Celtic Britain, p. 69.

bility in the tradition that, when Suetonius Paulinus destroyed Druidism towards the close of the first century in Anglesey, the Druids who survived the great slaughter escaped to the Isle of Man.[1]

The Romans, after conquering Anglesey, marched through the North of England to the Solway, and subdued the wild tribes on the north of that estuary; but there is no evidence that they crossed to the Isle of Man. Hollinshed, indeed, who apparently follows Boetius, declares that the Manx had aided the Picts against Ostorius, and that Vespasian actually contemplated the invasion of the island;[2] but there is no evidence that the Romans ever landed on its shores. There is, indeed, a tradition that an old fort in Douglas Bay, which served in the last century as a prison, but which was taken down early in the present century, and subsequently replaced by the Tower, the subject of one of Wordsworth's sonnets, was as old as the Roman

[1] Robertson's Tour in Man, p. 99, Manx Society Publications, vol. v. p. 178. Some Manx customs, either recently or still existing, may perhaps be cited as evidence of the presence of Druids in the island. The great Druidical anniversary was held on May Day, when fires were kindled on the cairns, and, according to Train, vol. i. p. 314, these fires were in his time still kindled on the mountain-tops on that day. Another of these periodical fire-meetings was held on the 1st November. The 1st May and the 1st November (or, since the alteration of the calendar, the 12th May and 12th November) are still the most important days in the Manx calendar. All changes of tenancy occur on those days; when money is borrowed, the interest is usually made payable on one of those days, and the accounts of some public bodies are still made up to the 12th November. It is possible that the custom may be referred to Celtic or Druidical Man, though it is right to point out that the 1st May was also a great day in the Norse year. Manx Society Publications, vol. xi. p. 124. The custom of hunting the wren, which is still kept up on Christmas Eve, has also been referred to Druidical times. Colonel Vallency, in his Collectanea de Rebus Hibernicis, says, "The Druids represent this [the wren] as the king of all the birds. The superstitious respect shown to [it] gave offence to our first Christian missionaries, and by their commands he is still hunted and killed by the peasants on Christmas Day."—Manx Society Publications, vol. xvi. p. 185.

[2] Hollinshed, Chron. of Scotland, vol. i. pp. 78, 82, and 90; and Train, Hist. Isle of Man, vol. i. p. 42.

occupation of Britain,[1] and Train improves the tradition by adding that "it was probably built by that heroic people." There is, too, still preserved in Castle Rushen an altar, obviously Roman, which some people think once stood on the site of St. Mary's Chapel at Castletown; and in 1826, in preparing the foundations of the present chapel, three Roman copper coins were found deposited in a square hole in a block of freestone of the same material as that of which the altar is composed. But as for the fort, no one seems to have conjectured its Roman origin till after it was taken down; and as for the altar, Bishop Wilson believed it to have been brought from Cumberland, and Dr. Clay says that the belief is well authenticated.[2]

Nothing, then, in the Island is sufficient to contradict the silence of history, and to induce a belief that the Romans ever made a descent on the shores of the Isle of Man. In fact, their legions had usually enough to do within the pale of their own province, and their leaders had no reason to encounter the dangers of a stormy passage for the purpose of making a descent on the shores of a small and poor island. Thus it is a fair inference that in the darker ages, when the arms and the literature of the Romans were gradually revealing the nature of Britain to contemporary readers and later students, the Gael and the Iberian were left undisturbed in the Isle of Man. There they raised their rude circular dwellings, similar in everything except their shape to the miserable houses which are still the homes of the Western Irish and Western Islanders of Scotland; there they disposed of their dead, sometimes by cremation, sometimes in the kist-vaens or stone-coffins which

[1] For these traditions see Train's Hist., vol. i. p. 55; Waldron's Description of the Isle of Man, p. 152; and Manx Soc. Pub., vol. v. p. 99, and xvii. p. 37.

[2] A Roman coin of the age of Severus has recently been found at Ballamona in Santon. But the existence of a Roman coin does not prove the presence of the Romans; it only points to intercourse between the Romans in Great Britain and Man.

are scattered through the island; there they tended the herds of cattle which they had already collected, and stored for winter use the cereals which they had succeeded in growing in the summer. The rude boat of hide—the coracle of Wales—was already being replaced by a canoe, made out of a solid tree hollowed by fire;[1] the Gael had already introduced swords and implements of metal, while the Druid, practising his rites, had laid the foundations of a higher culture, and taught the people to believe in the possibilities of a future life. Yet such belief was strongly tinged with superstitious colouring. The dead were supposed to inhabit the tombs in which they were interred; arms and ornaments were buried with them for their use in the new existence on which they had entered; food was brought for them to the tombs; and the cup-markings, which may be still seen on some of the monumental stones erected by that primitive people, were filled with this object with lard or butter. The rudiments of civilisation, the rudiments of knowledge, were already appearing, but the people on the whole, sparsely scattered through the country, were still in a barbarous and uncivilised state. The light of knowledge had not yet dispelled the mists of ignorance; and Man, shrouded from the outer world by the clouds which so frequently descended upon its mountains, was enveloped in the still darker cloud of barbarism, which progress had not yet dispelled.

[1] One of these boats is preserved in St. Thomas's, Douglas; another, in course of manufacture, has recently been found in German.

CHAPTER II.

THE AGE OF MYTH AND LEGEND.

It has been shown in the previous chapter that the earliest inhabitants of the Isle of Man of whom we can find any traces probably belonged to that small, black-haired people who were known as Iberians in Spain and as Silures in Wales; and Professor Rhys' authority has been cited to prove that in all probability the same Pre-Aryan race furnished the earliest population both to Scotland and Ireland. In Scotland they were known as Picts, in Ireland as Scots. The Romans applied to them the name Picts because they were the Picti—the painted or tattooed men; the Brythons, for a similar reason, called them Scots, from the Celtic "ysgwthrr," to cut or carve; while they seem to have called themselves Cruithni, from the forms (crotha) of beasts, birds, and fishes which they tattooed on their faces and their bodies. The Irish Scots were destined ultimately to cross into Western Scotland, and, fusing with their relatives the Picts, to give their name to Northern Britain.[1]

But, before the final emigration of the Scots into Western Scotland, there is some evidence that they were moving. An Irish annalist tells us that early in the third century the Firbolg, a non-Celtic race, fled from Ulster to the Isles of Man, Arran, Islay, and Rathlin.[2] According to the same

[1] Celtic Britain, pp. 238-257. The Pictish legend made Cruidni or Cruithni a man, the founder of the family. Skene's Celtic Scotland, vol. i. p. 185.

[2] Manx Society Publications, xv. 121. Mr. Skene thinks that the Irish translator of Nennius is right in identifying the settlers of Builc in Eubonia with the Firbolg. Skene's Celtic Scotland, i. 138 *n.*, and 174.

authority, Cormac, king of Ulster, compelled many of his rebellious subjects to emigrate into Man;[1] while, on the other hand, Hector Boetius wishes us to believe that Cratilinth, king of Scotland, when many Christians fled to him for refuge during Diocletian's persecution, gave them the Isle of Man as a residence, and built for them a temple, in which Amphibalus, a Briton, sat as first bishop.[2]

The latter myth may at once be rejected. The introduction of Christianity into the Isle of Man rests on legend, but the legendary story of Amphibalus and Cratilinth did not deceive Sacheverell, two hundred years ago, and need not mislead a more sceptical age at the close of the nineteenth century. The later legend may be briefly told. In the beginning of the fifth century, Mananan-Beg-MacLir, or Little Mananan, the Son of the Sea, possessed the Isle of Man. He was a pagan and a magician. He enveloped the island in mist, so that it was invisible to any passing craft; if an enemy appeared, he would cause one man to seem a hundred, and that by magic art. He had power over the winds of heaven, and could command them as he chose: and the only rent which he exacted from his Manx tenantry was a bundle of rushes. Later legends improved the story; and the tradition at last ran that the three legs, "the arms of Man, proceeded out of the Tynwald Hill, with a little man, who was Manninagh Mac-ee-Lheir, who rolled the emblem as a wheel before him."[3]

[1] Manx Society Publications, vol. xv. p. 121, and cf. Skene's Celtic Scotland, vol. i. p. 182. [2] Manx Soc. Pub., vol. i. p. 146.

[3] Train's History, vol. i. p. 39. Manx Society Publications, vol. v. p. 4. Wordsworth alludes to the legend:—

"Bold words affirmed, in days when faith was strong
And doubts and scruples seldom teased the brain,
That no adventurer's bark had power to gain
These shores if he approached them bent on wrong:
For suddenly, up-conjured from the main,
Mists rose to hide the land: that search—though long
And eager—might be still pursued in vain."

Later critics have endeavoured to identify this pagan hero with Orbsen, a famous Irish navigator, who gave the name to Lough Corrib,[1] and with Cuillean or Guillean, a weird smith, who reigned over a fairy kingdom in Ulster.[2] But in this series of myths most authorities have agreed in detecting a grain of truth. Mananan MacLir is supposed with some reason to have been a real personage, famous for his exploits as a seaman and colonist, skilled in predicting the changes of weather from the signs of the sky, and carrying on a lawful and illicit traffic in the seas that surround the Isle of Man.

While, as the myth ran, Mananan MacLir was exercising his enchantments in Man, a very different person, St. Patrick, was setting out on his mission to convert the Irish. Myth has gathered round the story of St. Patrick, but the uniform silence of early writers as to his history and achievements almost justify the doubt whether the great Irish saint ever existed at all. The earliest mention of him, in fact, does not occur till nearly two centuries after his death. But the later publication of his Confessions and of his Epistle to Coroticus —if these documents are genuine—give some account of his ministry and career.[3]

We learn from the Confessions that St. Patrick was a citizen of the Roman province of Britain; that his family had been Christian for at least two generations; that it belonged to the aristocracy of a Roman provincial town; that the district of Tabernia, in which this town was situated, was exposed to the incursions of the Scots; that in one of these incursions

[1] The transition is Orbsen, Oreb, Orib, Corrib.

[2] Manx Society Publications, vol. xv. p. 129.

[3] I have followed, respecting St. Patrick, Mr. Skene's Celtic Scotland, vol. ii. pp. 14–23, and pp. 427–443. Cf. Mr. Stokes' Celtic Church in Ireland, pp. 25 *seq.*

St. Patrick was taken captive and brought to Ireland; that he remained six years in slavery, employed in tending sheep; and that, afterwards escaping, after many adventures or misadventures both by land and sea, he succeeded in regaining his native country and his parents' house. There, in consequence of a vision, he resolved on returning as a missionary to Ireland, and on preaching the Gospel to the people among whom he had worked as a slave. He appears to have laboured for fifteen or twenty years before he was consecrated a bishop, and it was only in the latter part of his career that his labours were rewarded with success. Myth and legend soon gathered round this simple story, but neither myth nor legend connected St. Patrick's name with the Isle of Man. At last, nearly 700 years after St. Patrick's time, Jocelin, a monk of Furness, affirmed that St. Patrick, on his way to Ireland, "touched at the Islands of the Seas, one of which, Eubonia—that is, Man, at that time subject to Britain—by his miracles and preaching he converted to Christ. Among the miracles which he wrought, the most famous was as follows:—A certain evil-doer, named Melinus, like Simon the magician, asserting himself to be God, attempted a diabolical flight in the air, but by St. Patrick's prayers fell headlong from his lofty flight, was dashed to pieces, and thus perished. St. Patrick placed as bishop over the new church of this nation one of his disciples, a wise and holy man named Germanus, who placed his episcopal seat in a certain promontory, which to this day is called St. Patrick's Island, because he had remained there for some time. And the other islands being converted to the Christian faith, he placed over each of them one or more bishops from among his disciples, and then returned to Ireland. . . . The inhabitants of some of these islands, having seceded from the faith, afterwards renounced the law which was preached by St. Patrick, and therefore to this day are

deprived of the special gift of God which through the prayers of St. Patrick freed from all venomous animals the islands that preserved the faith."[1]

Jocelin's account soon grew. Germanus was said to have died in his see, and to have been succeeded by Romulus and Conindrius. Romulus in his turn, on his death in 498, was followed by Machutus, and Machutus in 518 was succeeded by Lonanus, the nephew of St. Patrick. The story which Jocelin had published was apparently confirmed by these additions to it, and men who would have rejected the bare statement of Germanus' consecration accepted an account which professed to enumerate all the earlier bishops and their dates. Another legend, moreover, grew round the name of Machutus. Machutus, according to the Book of Armagh, which enjoys the advantage that it preceded by four centuries the work of Jocelin, was an impious, cruel, quarrelsome heathen, who, seeing St. Patrick "shining in the clear light of faith," resolved on tempting him. He made one of his attendants feign that he was lying in the agony of death, and covering him with a cloak, said to the saint, "Behold one of us is now sick; approach, therefore, and chaunt some of the incantations of your sect over him, if perchance he may be now healed." St. Patrick, knowing all their stratagems and deceits, with firmness and intrepidity said, "It would be no wonder if he had been sick;" and his companions, uncovering the face of him feigning sickness, saw that he was now dead; and the heathens, amazed and astonished at such a miracle, said among themselves, "Truly this man is from God; we have done evil in tempting him." But St. Patrick having turned to Machutus, said, "Why did you seek to tempt me?" The cruel tyrant answered, "I am sorry for what I have done; whatever you command me, I will perform. And I now deliver myself

[1] The extract will be found in Manx Soc. Pub., vol. iv. p. 15.

into the power of your Supreme God whom you preach." And the saint said, "Believe, therefore, in my God, the Lord Jesus, and confess your sins, and be baptized in the name of the Father, and of the Son, and of the Holy Ghost." And he was converted in that hour, and believed in the Eternal God, and, moreover, was baptized; and then Machutus added this saying, "I confess to thee, my holy Lord Patrick, that I proposed to kill you. Judge, therefore, how much I owe for so great a crime." Patrick said, "I am not able to judge, but God will judge. Do you, therefore, depart now unarmed to the sea, and pass over quickly from this country, taking nothing with you of your substance, except a small common garment with which you may be able to cover your body, eating nothing and drinking nothing of the fruit of this island, having a mark of your sins on your head; and, when you reach the sea, bind your feet together with an iron fetter, and cast the key of it into the sea, and set out in a boat of one hide, without rudder or oar; and, wherever the wind and sea shall lead you, be prepared to remain; and to whatever land Divine Providence shall carry you, be prepared to live there and obey the Divine commands."

Machutus obeyed Patrick's order; and, when he had embarked in his coracle, "the north wind arose, and bore him to the south, and cast him on the island called Evonia, and he found there two men very wonderful, who first taught the Word of God and baptism in Evonia. And the men of the island were converted by their doctrine to the Catholic faith, whose names were Conindrius and Romulus."

Machutus—so the Book of Armagh added—spent the remainder of his life in the "society of these two holy bishops till he was appointed their successor in the bishopric." But later ingenuity added more marvels to the story.

"And, when he had for some time abided there, a fish was

one day taken in the sea, and brought into their dwelling. and, when the fish was opened before them, a key was found in its belly; and Machutus, being released from his chains, gave thanks unto God and went thenceforth free. . . . In that island was a city called after him, of no small extent, the remains of whose walls may yet be seen. And in the cemetery of the church is a sarcophagus of hollow stone, out of which a spring continually exudes, nay, freely floweth, which is sweet to the palate, wholesome to the taste, and healeth divers infirmities, and the deadliness of poison."[1] Maughold's reputation for sanctity was so great that St. Bridget came over to him from Ireland, and "was veiled and professed" by him.[2] Cogitosus, who, according to Blundell, was her nephew, but who probably lived some centuries after her time, alleges that she died in Man. Manx legend declares that she founded the nunnery at Douglas.

So far myth and legend, which have naturally inspired tradition; and, in support of these traditions, the Manx people point with pride to the names of their parishes. The spot where Patrick landed is St. Patrick's Isle in Jurby; the parish in which he reared his cathedral is still known as Patrick; his chair is in Marown;[3] the adjoining parish bears the name of German; St. Machutus still survives in Maughold,

[1] This remarkable story was apparently composed by some one who had no close acquaintance with the Isle of Man. There is not, and there is no evidence that there ever was, any city called after Maughold. The parish of that name is sparsely peopled. The spring, moreover, which bears the saint's name is not in the churchyard, but on Maughold Head, some distance from it.

[2] These extracts from the Book of Armagh and the Triadis Thaumaturgæ of Colgan are all reprinted in Manx Soc. Pub., vol. xv. pp. 68-72. See also Blundell's Hist. in Manx Soc. Pub., vol. xxvii. 161, and Skene's Celtic Scotland, ii. 443.

[3] The so-called St. Patrick's chair is probably the remains of an old burial-place. The seat is formed of blocks of masonry, while the back consists of two upright stones, each of which has a cross cut into it.

the parish in which his coracle touched the shore. Immediately to the south is Lonan, which is said to owe its name to Patrick's nephew, Lonanus; south again is Onchan, or Kirk Conchan, a parish called, as some people have supposed, after St. Patrick's mother, or, as others have alleged, after St. Conanus, Lonanus's successor; while the nunnery chapel at Douglas and the northern parish in the island still preserve the name of St. Bridget or Bride. It is not surprising that the fabric raised by myth and legend, and accepted by tradition, should have been confirmed by this elaborate nomenclature, and that the Manx people should have accepted without examination a story which crumbles away before the touch of criticism.

For, in the first place, there is nothing in the Life of St. Patrick to justify the tradition that he was ever on the island; while the account in the Book of Armagh distinctly contradicts it; the latter attributing to the labours of Conindrius and Romulus the conversion which Jocelin ascribes to St. Patrick. The Germanus, too, who is most naturally associated with St. Patrick, could never have been bishop in the Isle of Man. He presided over the See of Auxerre, and instructed St. Patrick in the Canon.[1] The latest commentator on Manx names, moreover, suggests a doubt whether German and Maughold owe their names to any saints of Irish extraction. Germanus, he suggests, may be a corruption of Coemanus, and Maughold he similarly considers may be called after Macutus, Bishop of Aleth in Brittany, and not after Macutus, or, to use the Irish name, MacCuill, the hero of the legend in the Book of Armagh. The legendary history of the early bishops of Man never, indeed, gained its present consistency till the fifteenth century. For the author of the Chronicle of Man, who wrote in the island late in the fourteenth century, com-

[1] Skene's Celtic Scotland, ii. 438.

mences his list of bishops with Roolwer, who lived in the age of the Norman conquest of England. He admits, indeed, that there were many bishops before Roolwer, but he adds, "We are entirely ignorant who or what were the bishops before Roolwer's time."[1] It is plain, therefore, that a learned and conscientious ecclesiastic, writing in Man five centuries ago, knew nothing of the traditions which made Germanus, Conindrius, Romulus, Machutus, Lonanus, and Conanus the earliest occupants of the See of Man.

In these circumstances, no one accustomed to weigh historical evidence will attach much importance to the legends which have grown up around the names of Patrick and Machutus. But, though the legend itself must be rejected, the grain of truth which is embedded in it need not be lost sight of. Traditions and names do not justify the assumption that Patrick was ever in the island, or that Germanus or Machutus ever presided over its See, but they at least afford a fair presumption that its inhabitants were converted at an early period by missionaries of the Irish branch of the Celtic family, to whom the saints who live in Irish fable and story were specially dear. "Of the names of our seventeen parish churches," writes Mr. Arthur Moore,[2] "seven are certainly, two almost certainly, and four probably of Irish origin, the remaining four being of comparatively recent dedication."

And this presumption will be strengthened by reference to the earlier ecclesiastical divisions of the island. For it seems certain that the earliest ecclesiastical unit was not a parish or

[1] Chronicon Manniæ, Manx Soc. Pub., xxii. 115.

[2] Surnames and Place-Names, p. 205. The seven are St. Patrick's Jurby and Patrick, Lonan, Marown, Santon (St. Sanctan), Bride (St. Bridget), Malew (St. Lupus); the two "almost certain," Maughold and Conchan; the four, Braddan (St. Brandan), German (St. Germanus), Arbory (St. Cairbre), and Rushen.

a Skeeyley, to use the Manx name, but a Treen. Considerable doubt has arisen as to the precise meaning of the word "treen;" but there is no doubt that the various parishes are still divided into treens and subdivided into quarterlands, there being on an average ten treens and forty quarterlands in each parish. Now the Manx name for quarterland is Kerroo Valley (Anglicè quarterland), and valley is, of course, easily identified with the Celtic Balla. Mr. Moore quotes with excellent point[1] the following extract from a tract printed in an appendix to the "Tribes and Customs of the Hy Fiachvaich:"—"These countries were subdivided into townlands, which were called ballys . . . and each townland was divided into quarters . . . and now the lands are generally set and let, not by the measure of acres, but by the measure of quarters, a quarter being the fourth part of a townland. . . . I have been sometimes perplexed to know how many acres a quarter contains, but I have learned it is an uncertain measure, and anciently proportioned only by guess, or according to the bigness of the townlands whereof it was a quarter."

It seems probable, therefore, that the island was originally divided into ballas or townlands, to use the name still familiar in Ireland, and that the townlands were subdivided into quarters. It is no answer to this argument to say that the word "balla" has now acquired a different meaning, as in Ballasalla (Balla Sallagh), the dirty farm, or the farm with the willows, for the name admits of either meaning; Ballamoar, the big farm, or Ballavartin, Martin's farm. Words and names in every country constantly change their original sense; and there is really nothing more remarkable in the "balla," the original name for the townland, being applied to the farm, than in the word "ton," which was originally applied to the homestead, having been elevated to the town. It was natural, however, that,

[1] Surnames and Place-Names, p. 163.

when the "balla" lost its original meaning, a new name should be applied to the townland, and the latter become the treen. The precise origin of the new word is not plain. "Kelly does not mention it in the Triglott Dictionary. Gill has: 'Treein, an ecclesiastical division of the country, being a third part.'[1] Cregeen: 'Treen (f.) a township that divides tithe into three.' If it ever was a third part, the division of which it was a third has disappeared."[2] The fact that the tithe was divided into three parts does not appear, moreover, satisfactorily to account for the name; for the distribution of a tax could hardly be responsible for the designation of the area from which the tax was collected. If it were not presumptuous in one who is not a philologist to suggest a derivation for a word which has baffled philological skill, it might be possible to suggest that the word "treen" was allied with the Celtic "tre," one of the three test prefixes by which

"You may know the Cornish men,"

but which is found in some form or other in almost every country which the Celts have occupied.[3]

Whatever, however, the derivation of the word, of the division of the land into treens and quarterlands there can be no doubt. Distinct duties, such as the repair of the churchyard fence and the maintenance of the pinfold (the parish pound), were thrown by law on the several treens in each parish in turn;[4] while church rate, or church cess, as it is called in the island, is still collected from the quarterlands, the whole sum required being levied, not on the value of the property, but on each quarterland in the parish.

While, however, the quarterland is still an important factor

[1] Surnames and Place-Names, p. 163.
[2] Ibid., p. 162.
[3] Isaac Taylor's Words and Places, p. 152.
[4] Train's History, vol. i. p. 13.

in the organisation of each parish, the treen is fast disappearing. Most people acquainted with Manx agriculture could point out the various quarterlands in their own neighbourhood, but only one or two persons could give much information about the treen. The treen has been swallowed up by the parish, and only survives in tradition and history. Yet it is nearly certain that the treen once occupied the place of the parish as the ecclesiastical unit, and it has been even claimed that there was a separate chapel for every treen.[1]

These early chapels have been called cabbals and keeills; and one learned antiquarian has drawn a distinction between the cabbal of the fifth and the keeill of the sixth century.[2] As, however, the word "cabbal" is of modern origin, a mere corruption for "chapel,"[3] it is not safe to rely on this distinction. The original chapel was "an earthen structure, quadrangular in form, of very small dimensions, and rarely exceeded twelve feet in length by nine in breadth." But, as time wore on, this rude chapel developed into a more pretentious building, rather larger in size, and constructed partly of masonry. The ruin at Ballaquinney in Marown is a good example of this period of transition. Still later the chapel assumed still larger dimensions and more architectural features, and buildings in the style of St. Trinian's—so familiar to every visitor to the Island—were erected.[4]

Whether the earlier keeills were really built for the accommodation of the neighbours is very doubtful. Mr. Arthur Moore

[1] The tradition is embedded in the traditionary ballad, which, however, is responsible for many errors:—

"For each four quarterlands he made a chapel
For people of them to meet to prayer."

[2] Manx Soc. Pub., xv. 81.

[3] Surnames and Place-Names, p. 152.

[4] Manx Soc. Pub., vol. v. p. 69, and xv. p. 81.

thinks that they were probably raised by the Culdees,[1] and he adds, "They were evidently not intended for congregations, as their internal measurement does not exceed twenty feet by twelve feet, and they are, moreover, distributed so promiscuously that the theory, started by the traditionary ballad, and eagerly accepted by most of those who have written on the subject, that there was one for every treen, cannot be substantiated by the facts."[2]

One singular circumstance connected with "treen" and "quarterland" remains to be mentioned. Mr. Arthur Moore has analysed the names of 146 of the treens and 586 of the quarterlands. In the quarterlands, 53 of the names are Scandinavian, and 533, or ten times as many, Celtic in their origin. In the treens, on the contrary, only 63 of the names are Celtic and 83 are Scandinavian. So remarkable a result cannot be due to chance alone, and it seems to point to the possible conclusion that the Norse after the conquest of the island retained for their own purposes the division into treens, and ignored the subdivision of the treen into quarterlands.

Be this as it may, the treen became gradually too small for ecclesiastical purposes, and the island was thenceforward divided into parishes. The parish varied in size, Lezayre, for instance, containing nearly 16,000, Santon only a little more than 4000 acres. But the average size of the parish was, as a rule, larger than the average size of a parish in England, the sparseness of the population perhaps accounting for this circumstance.

In the names of the parishes, in their division into treens and quarterlands, in the traditions which are still preserved of the origin of Christianity—in all these matters the inquirer finds evidence that the island—like Scotland and Northern

[1] Religious Recluses of the Early Church.

[2] Surnames and Place-Names, p. 151.

England—owed its first conversion to Irish missionaries. The stream of civilisation and progress in the world has almost uniformly flowed from east to west. But prior to the age of St. Augustine the stream of Christianity in the British Islands flowed from west to east: the little island of Iona, the chosen home of an Erse saint, became a more potent influence than the old city of Rome. Subsequent events, which so closely united the Northern Hebrides with Man, tended to confirm the connection between the Manx and the Irish Church; and for centuries, and until the current of history gradually drew the island into the arms of England, the Church of Man owed only a doubtful allegiance to the potentate who represented the cause of Catholicism at Rome.

CHAPTER III.

THE COMING OF THE VIKINGS.

In relating the legends connected with the growth of Christianity in the Isle of Man, and in endeavouring to separate the grain from the chaff, it seemed desirable to follow up the narrative, and to describe the later growth and organisation of ecclesiasticism. It is time, however, now to retrace our steps, and to relate, so far as is possible, the confused history of the island during the period with which the legends mentioned in the preceding chapters are occupied.

When Rome withdrew, at the commencement of the fifth century, from Britain, a period of confusion succeeded. The Picts were pressing from the north on what is now the English frontier; the Saxons or Angles were settling on the south-eastern coasts of the country, to which they were to give the name of England; the Celts in Wales were acquiring independence; while in South-Western Scotland the Scots of Northern Ireland were founding the kingdom of Dalriada.[1] It was inevitable that a little island like Man should be affected by the fortunes of South-Western Scotland and Northern Wales; and the tradition is probably true that, at the close of the fifth or at the beginning of the sixth century, the Scots virtually held possession of the island. But, before twenty years of the sixth

[1] The north-east corner of Ireland, comprising the northern half of the county of Antrim, was called Dalriada. The Scots of Dalriada crossed over to the peninsula of Cantyre, and annexed this peninsula and some of the western islands to the kingdom. Skene's Celtic Scotland, i. 140.

century were over, the Welsh under Maelgwyn, whom tradition affirms to have been the nephew of King Arthur, crossed over to Man and wrested it from the Scots.[1] The Welsh are supposed to have held the island which they thus won for rather more than half a century; but in 581, if the Annals of Ulster may be trusted,[2] it was again conquered by the Scots. St. Columba had preferred his brother Aidan to the throne of Dalriada.[3] This Aidan was a considerable person in his time, and a successful warrior against the Picts and Saxons. He reasserted Scottish authority in Man, making his nephew, Brennus, Thane or Lord of the island. In those troublous times, however, the kingdom of Dalriada was surrounded by a chain of enemies. Brennus, helping his uncle Aidan, was slain in battle in Scotland. The Welsh took advantage of his death to re-establish their authority, and Man again passed under the dominion of Welsh princes.[4]

For three-quarters of a century the island appears to have remained under the dominion of its Welsh masters; but in the meanwhile the gradual extension of the Saxon power led to fresh changes in its fortunes. By a victory of the West Saxons at Deorham, near Bath, in the latter half of the sixth century, the Celts of Cornwall were effectually separated from the Celts of Wales. By a victory of the North Saxons at Chester, at the beginning of the seventh century, the Celts of Wales were effectually separated from the Celts of Cumberland. The Celtic power was broken by these reverses, the character of the struggle between Celt and Saxon was changed, and, as Mr. Green puts it, "The warfare of Briton and Englishman died down into a warfare of separate English kingdoms against separate British kingdoms, of Northumbria against Cumbria and Strathclyde, of Mercia against modern Wales, of Wessex

[1] Train's Hist., i. 44.
[2] Manx Soc. Pub., vol. iv. p. 127.
[3] Skene's Celtic Scotland, p. 143.
[4] Train's Hist., i. 45.

against the tract of British country from Mendip to the Land's End."[1] Northumbria, or the kingdom of the North Saxons, was at that time the predominant Saxon power. Edwin or Eadwin, as modern historians write his name, who succeeded to its throne in 617, before the end of his reign carried his arms to Anglesey and the Isle of Man. The island, which had thus been successively subject to the Scots of Ireland, the Scots of South-Western Scotland, and the Celts of Wales, fell, for the first time, under Saxon dominion.

It is not difficult to appreciate the reasons which induced Edwin to embark on the comparatively hazardous enterprise of subduing a remote island. He represented the cause of order and good government, and his reign is still remembered for the admirable security which he established in Northern England. As the proverb afterwards ran, "A woman with her babe might walk scatheless from sea to sea in Eadwin's day."[2] But order and security were probably imperilled by the proximity of the Isle of Man to the western coasts of Northumbria. Though Mananan MacLir had long passed away, he had left, so we may be certain, many successors behind him. The position of the island, midway between Scotland, England, Wales, and Ireland, and its unsettled government, could not but have favoured the existence of a race of seamen, who, issuing from its narrow creeks, would have been ready for lawful or illicit enterprise. More than eleven centuries after Edwin's time, indeed, the English Government found it necessary to terminate the rule of its independent sovereigns, in order to prevent the continuance of the Isle of Man as a great entrepôt for smugglers; and, in the same way, Edwin probably thought it desirable to check piracy, by asserting his superiority over the island. Thus Man, for the first time, passed under Saxon

[1] Green's Short Hist. of the English People, p. 20.

[2] Ibid., p. 21.

dominion. But the development of Saxon rule did not prove favourable to the retention of its new conquest by Northumbria. The Saxon kingdoms were engaged in a struggle for predominance, and before the seventh century was over Mercia had succeeded to the position which Northumbria had occupied at its commencement as the foremost of the Saxon powers. The struggles of the Saxons gave a fresh opportunity to the Celts, and the kings of North Wales reasserted their authority in Man. Historians enumerate a line of twelve Welsh princes who reigned there from 517 to 913;[1] but the courts of these princes were held in Wales, and they only visited their island territory on rare occasions. When in Man, they resided at Rushen, which from that early period became consequently the seat of government. There they lived in rude magnificence. As lords paramount, "a yearly tribute of horned cattle, bacon, hogs, sheep, with provender for the royal stud," was paid for their support. Shipwrecks, and all other things thrown from the sea, were the king's property. Foreigners, found upon the island without permission, became his slaves. A toll was paid to him by every merchant ship that came into any of the creeks of the island. The royal guard was composed of officers of the household, and of twelve other gentlemen mounted on horses provided by the king. The king had also his musicians, who were held in high esteem, and who had lands allotted to them for their support. Nearly every visitor to the island passes these lands; but while they drive or walk over the bridge at Glen Crutchery, where the second of the older milestones from Douglas on the Ramsey Road still stands, they are probably unaware that the spot owes its name to this circumstance, and that Glen Crutchery is the Harpers' Glen.[2]

[1] The list will be found in Train, vol. i. p. 58.

[2] Train, vol. i. p. 57, who writes chiefly on the authority of Warrington's

Thus, if in a period of which we have no written knowledge the island was probably held by a small, dark-haired non-Aryan race, at the dawn of history it was peopled, from the sixth century it was governed, by men and princes of the great Celtic family. We live in a time when the Celtic race is gradually disappearing. Those parts of Europe where the Celtic blood is still predominant are precisely those where the population, as in Ireland, slowly declines, or, as in France, is with difficulty maintained. Yet we ought not in consequence to forget the great part which the Gelt played in history, or the influence which the Celt has exercised on the civilisation of the world. In Man, as in Wales, he was destined to be subdued by a stronger race. But, just as in Wales he retained his own tongue, so in Man he imposed his own language on his conquerors. From the beginning of the tenth century no Celt ever ruled in Man, yet the Manx remained, and have still retained many of the characteristics of, a Celtic people.

The new conquerors of the island were drawn from that bold Scandinavian race whose actions throw so much lustre on the history of the eighth, ninth, tenth, eleventh, and twelfth centuries. It would not be possible in a little book of this character to attempt to trace the origin of this great people. At the earliest ages, of which any records have come down to us, we find them settled in what are now the northern kingdoms of Norway, Sweden, and Denmark. The Scandinavian in Sweden had a history and development of his own. The Scandinavian who dwelt in either Denmark or Norway was forced to take to the sea. In Denmark, broken up as it was into islands, communication was in many cases impossible except by water. In Norway communication by other means

History of Wales, and whose language I have freely borrowed. Cf. Surnames and Place-Names, p. 190.

was still more impracticable. Even to this day the only chance of exploring the rugged scenery of this country is to sail along its shores and up the narrow fiords with which the whole coast is intersected.

In fact, some of the conditions which made the Phœnicians the first explorers in the centuries before Christ existed to make the Norse the first great explorers in the centuries after Christ. Both nations settled in countries which could hardly be approached by land, and whose only roads were found on the ocean. Both of them were forced, from the nature of their surroundings, to assume a seafaring life; and both of them acquired skill as seamen at home before they ventured on the distant voyages which have rightly made them famous. The Phœnician in the old world pushed his vessel into every sea: he passed the Straits of Gibraltar; he possibly circumnavigated Africa; he pushed on till he reached the southern shores of England; and he established colonies—one of which was ultimately to struggle for the empire of the world—in every country. But the expeditions of the Norse were quite as remarkable. They conquered Nomandy; they conquered Sicily; they carried their arms from Sicily to Greece; they carried their arms from Normandy to England; in another direction they crossed the Atlantic and were familiar with Greenland; there is reason for believing that centuries before the age of Columbus they had landed in the New World.

If there was a striking resemblance, there was also a marked contrast, between the Phœnician and the Norseman. The Phœnician was essentially a trader; his ship was a merchant vessel; and his country alone among the great nations which have made their mark on history can make the proud boast that it never waged an offensive war. The Norseman was probably also a merchant, but he was a

merchant who always carried his weapons with him. Trade, from a Phœnician point of view, was spoilt by the distrust which arises from blood-shedding. Trade, from a Norse standpoint, was promoted by fresh additions to Norse territory.

The Norse became acquainted with the British Islands at the close of the eighth century. Issuing from the firths of Denmark and Norway, they harried the coasts of England and Scotland. They attacked Lindisfarne in 793; they reached the Western Islands of Scotland in 794.[1] They were known as the Vikings, or Creekmen, from the "wicks" or (to use the Norse word) Viks from which their boats were launched. How they landed, how they conquered, how they reigned in England, every child familiar with early English history is aware. In the extreme north of Britain the Vikings settled in the Shetland Islands in the ninth and tenth centuries. These settlers are supposed to have been emigrants discontented with the firm rule of the Norwegian kings, and they made the Shetlands a base for further operations not only against the lands towards the south, but against Norway itself. Harold Harfager, or Harold the Fair-haired, who is believed to have reigned in Norway between 860 and 930, determined to extend his authority over these islands. In a great expedition from Norway towards the end of the ninth century, he succeeded in not only conquering the Orkney and Shetland Islands, but in also subduing many of the numerous islands on the west coast of Scotland. How firmly his dominion was established may be inferred from the circumstance that Norse customs still prevail throughout those islands. Norse names are still applied to headlands, creeks, and straits; while even Sutherland, almost the most northern county of the United Kingdom, owes its name, the Southern

[1] Skene's Celtic Scotland, vol. i. pp. 303, 304.

Land, to the circumstance that it lay to the south of this new seat of the Norse power.[1]

The Norsemen were not content with their conquests in the islands of Northern Scotland. They pushed on to the Southern Hebrides, to which they gave the name of Sudreys (Sodorenses Insulæ). They crossed from what is still known as the mainland in the Orkneys to the mainland of Scotland, and conquered the northern counties of Britain. They harried the coasts of South-Western Scotland and North-Western England. They even made their appearance in Dublin. In such circumstances it was inevitable that they should descend on the island, which was so conveniently situated as a base for piratical expeditions against the larger countries around it; and it is even said that Harold Harfager had his viceroy in Man.[2]

Thus a new power had already made its appearance on the little island, where the Iberians, the Picts of Scotland, the Scots of Ireland, the Celts of Wales, and the Saxons of Northumbria had already contended for the mastery. The first Norsemen were soon followed by a more formidable successor. Early in the tenth century, Gorry or Orry—so the story runs on—a Norse chieftain, who had already conquered the Hebrides or Western Isles,[3] landed on the north-west coast of the island at the head of a new expedition; and, though much about Orry is traditional, many things point to the circumstance that he made a larger impression on the institutions of Man than any other person who ever landed on its shores.

There are, in fact, many spots in the island which are

[1] Worsaae's Danes and Northmen, p. 220; Manx Soc. Pub., vol. xxi., p. 11.

[2] Worsaae, p. 287; Train, i. 60.

[3] Manx Soc. Pub., vol. i. p. 27.

associated with King Orry's memory. He landed in Andreas; his tomb is in Lonan; the central tower at Bishopscourt is called King Orry's Tower; and Orrysdales still perpetuate his name in Michael and Malew. Modern criticism, indeed, throws doubt on the old king's connection with these places. The so-called tomb in Lonan is undoubtedly an old burial-place, but there is no reason for connecting it with King Orry. The Orrysdale in Malew is said to be a name of recent origin, while the Orrysdale in Michael was originally spelt Orestal, and has occasionally been called Norrisdale, from one of its owners, a clergyman named Norris. The king is perhaps more closely identified with the Manx from the circumstance that Gorry still remains a common name in some parts of the island. Only recently, in the autumn of 1889, the lifeboat stationed at Peel had the good fortune to rescue the crew of a large Norwegian barque, which was in imminent danger off that port, and no fewer than three of the rescuing crew bore the name of Gorry. It would be useless to speculate from this circumstance that these men were actually descended from King Orry or his companions; yet the prevalence of the name at the port which was the favourite resort of the old Vikings points to the presence of Norse blood and to the preservation of the old tradition.

The spot at which King Orry is supposed to have landed has probably been altered in the course of succeeding ages. The sea there breaks on a sloping shingle beach, up which the boats of the Vikings could easily have been drawn, fringed by some sand dunes which protect the low-lying land behind them from inundation. At one spot a little rivulet, now enlarged into a drain, which carries off the superfluous water of the neighbourhood, and by doing so has led to the reclamation of much agricultural land, finds its way through the sand dunes into the sea. Thus in smooth weather

the new-comers could have drawn their boats on to the hard beach. In rough weather they could have found shelter for them behind the sand hills; and in the surrounding country they could have obtained food and water after their voyage. Right opposite, far away to the north-west, the Mull of Galloway pointed to the road from which they had come, a landmark to guide them on their return. On the other side, the hills of the island, rising in their glory, showed them the character of the country which they had entered; while then, as now, a small population was scattered through the adjacent land. Of the tens of thousands of tourists who annually visit the island, hardly ten perhaps ever seek the breezy shore where Orry landed. The majority of the Manx themselves have perhaps hardly ever penetrated to a place which is still singularly remote. Yet even in the green island no fresher, healthier spot can be found than this, on which—as the old tradition has it—Orry first set his foot in Man.

The story goes that Orry, on landing at this spot, was met by a few of the inhabitants, who inquired of him whence he came; and that, pointing to the Milky Way, he replied, "That is the way to my country." The Manx still preserve the tradition by calling the Milky Way "the great road of King Orry." The story, whether it be true or false, is at least evidence of the kind of impression which King Orry's memory has made on the island. The Manx, in fact, universally trace their institutions to King Orry's time. The Legislature itself is supposed to owe its origin to this King. The statutes of 1422 are only imperfect evidence of the history of the tenth century; but the Legislature of 1422, when the laws of the island were for the first time[1] being reduced to writing, distinctly traced its creation to Orry. The Deemsters and the Keys then said, "Alsoe, we give for law, that there was

[1] The statutes commence in 1417.

never XXIIII. Keys in certainty, since they were first that were called Taxiaxi: those were XXIIII. free houlders, vizt. VIII. in the out Isles and XVI. in your land of Mann: and that was in King Orrye's days; but since they have not been in certainty. But if a strange point had come, the which the Lieutennant will have reserved to the Tynwald twice in the yeare, and by leave of the Lieutennant, the Deemster there to call of the best to his Councell in that point as he thinketh to give judgment by. And without the Lord's wille none of the 24 Keys to be. . . . And as to the writeing of laws, there was never any written since King Orrey's days, but in the time of Michael Blundell,[1] that we have any knowledge of." [2]

The passage is full of interest, and throws a flood of light on the early history of the island. It proves that in 1422 men believed that from the days of King Orry the Legislature had met twice a year in Tynwald; that one branch of the Legislature had consisted of twenty-four of the principal freeholders; that sixteen of them were resident in Man itself, and that eight of them had, when the Southern Hebrides were united with Man in one kingdom, been chosen from these islands; that the twenty-four men who were thus chosen, and who were afterwards known as the Keys, were originally called Taxiaxi; that, in whatever way the Keys were originally selected, the Lord or King had a veto on the choice, and that, in the troublous times, whose history will be related later on, which succeeded the Scandinavian dominion, the Keys had rarely met; and that difficult questions had been referred in Tynwald to persons, the best of the land, chosen by the Deemster or judge for the purpose.

As the constitution which was thus instituted has survived

[1] Michael Blundell accompanied Sir John Stanley to Man, and is believed to have advised the formal recording of the laws in writing.

[2] Statutes, vol. i. p. xi.

for the best part of a thousand years, it is worth while to consider it a little more closely. And first, as to the Tynwald itself, the Legislature which was thus constituted. Wherever the Scandinavians went, there they seem to have established the open-air Legislature which, under the name of Althing, survived in Iceland till the commencement of the present century, and which still survives in Man. As Professor Worsaae puts it, "It is indeed highly remarkable that the last remains of the old Scandinavian Thing, which, for the protection of public liberty, was held in the open air, in the presence of the assembled people, and conducted by the people's chiefs and representatives, are to be met with not in the North itself, but in a little island far towards the west, and in the midst of the British kingdom."[1]

The Tynwald, the Thing Völlr, or Parliament-field, comprised two things, a hill and a temple, which was also a court. "In days of old, hill and court were, as it were, twins. Discussions, enactments of laws, and decisions of law-points took place in the court; but anything partaking of proclamation, declaration, and publication was done from the hill. It was the people's place." It was also the king's place. He "sat on the hill, not in the court."[2]

The Thing was not merely a Legislature, it was a seat of justice. The first business to which the Tynwald of 1499 addressed itself was the forfeiture of the goods of a Mrs. Moore who had "perished herself." Almost the first business to which the Tynwald of 1422 addressed itself was the trial of various rebels against the Lord of that day. But, though the ordinary duty of the court was judicial, it was required on occasions to declare the law. The King or Lord asked the court the law on some disputed point, and Deemster and

[1] The Danes and Northmen, p. 296.

[2] Vigfusson in Surnames and Place-Names, p. 263.

Keys gave in the answer to their inquiry. The Deemster (Dóm-stiórar) was the equivalent of the Icelandic Lawman or Speaker. He returned to the Lord the answer or sentence of the court. And his importance in this respect is still recognised in the language of the Statute Book. For though he is now merely a member of the Council, or Upper Chamber of the Legislature, and has presumably no more authority than any other member of the Council, his assent to each statute is separately stated in the preamble. "We, your Majesty's most dutiful and loyal subjects, the Lieutenant, Governor, Council, Deemsters, and Keys, do humbly beseech your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lieutenant-Governor, Council, Deemsters, and Keys in Tynwald assembled."

Time came when the territory which Orry won for himself in Man was rent in twain, and separate Tynwalds were held in the northern and southern divisions of the island. The Northern Tynwald was held at Cronk Urley or Reneurling, near Kirk Michael; the Southern at Keeil Abban, near St. Luke's Church in Baldwin.[1] And the ancient division has left its mark on Tynwald itself; for the present Tynwald is a union of the two separate Tynwalds, and the twenty-four Keys represent possibly two Legislatures of twelve men each, just as the two Deemsters probably represent the two kingdoms.

The Tynwald originally consisted of the Deemster, the Spokesman, or Speaker, as he was called in Iceland, and the Keys. It was only in later times, when the introduction of feudal ideas led to the creation of baronies in the island,

[1] Cronk Urley is the Eagle Hill; Reneurling probably the Eagle Ridge. Baldwin is the Low Valley. The Tynwald in Baldwin was on the high ridge of land which separates the two Baldwin valleys. Ibid., pp. 196, 240.

that the barons summoned to its meetings prepared the way for an Upper Chamber. The Keys, according to the old statute, were originally known as the Taxiaxi, a name of doubtful origin, which Train, without any sufficient authority, defines as meaning pledges or hostages; and it has also been suggested that the word is derived from the Manx "teagasage," elders.[1] The more recent name, "Keys," has also had various definitions assigned to it. An English-speaking race, forgetting that the name had its origin before English was spoken, has supposed that the men might have been called Keys because it was their function to "unlock" or expound the law. Etymologists, with more probability, have conjectured that the Manx name Kiare-as-Feed—the four-and-twenty—has been corrupted into Keys. But this origin is not consistent with the tradition that the number of the Keys was apparently uncertain, and probably in the first instance consisted of only twelve men. M. Vigfusson has given a more rational interpretation in suggesting that the Keys were the "Keise," or chosen, the men selected to represent their fellow-people in Tynwald.[2]

Its Norse conquerors have left one other permanent mark on the little island. Before they came, Man had been divided into parishes, which had been subdivided into treens and quarterlands. The Norse at once introduced a new division, and grouped the seventeen parishes into six sheadings. The Sheading, or Warship district, is a name of Scandinavian origin, and points to Scandinavian usage; for ancient Scandinavia was similarly "divided into ship shires, districts each of which, for defence or war at home or abroad, had to

[1] Manx Soc. Pub., i. 147.

[2] See, however, on this point Professor Rhys' preface to Surnames and Place-Names of the Isle of Man, in which the Professor states his preference for the other derivation from Kiare-as-Feed (p. ix.).

fit out a certain number of galleys. Every freeman born, between twenty and sixty years of age, was bound to serve. . . . [Thus] practically the sheadings answer to the hundreds or herdds of Scandinavia. In Upland (Sweden) every hundred had to fit out four ships. The Manx levy would, on the same scale, have been twenty-four galleys, and taking the average crew to be forty, the full levy of the island (*i.e.*, the male population between twenty and sixty) would make one thousand. This would make the whole population some four or five thousand."[1]

The original purpose for which the division was instituted probably ceased with the termination of Norse rule, but the division was retained for other purposes, and still subsists. Possibly this was partly due to the circumstance that the land represented by the sheading corresponded with the Irish cantred, hundred, or barony, containing 120 quarters of land. Whether this is so or not, the sheading is still a division for judicial purposes, and has its officer, the coroner, an officer who in the Isle of Man discharges the functions of a sheriff. Since 1867, moreover, when the House of Keys became an elected body, the sheading has been a division for political purposes, and the members of the House are chosen by the six sheadings and the four towns.

[1] Professor Vigfusson in Manx Note-Book, vol. xii. p. 175.

CHAPTER IV.

THE RULE OF THE NORSE.

THE Manx count twelve kings of the line of Orry, who are supposed to have governed Man and the Isles from 912—the alleged date of Orry's conquest—to 1077, the date of Goddard Crovan's victory at Scacafell or Sky Hill. But very few of these twelve kings, though they reigned for 165 years, deserve to be remembered by posterity or mentioned by the historian. Orry's immediate successor, his son Guthred or Goddard, is said to have succeeded in 947 and to have died in 960. To him the Manx attribute the erection of the noble castle which has given its name to Castletown. There is nothing improbable in supposing that a powerful chieftain should have chosen Castletown as the seat of his dominion. Long before Goddard's time, indeed, the Welsh kings had selected the same spot as their chief residence, and its situation on the verge of a broad and convenient bay, and at the mouth of the Silverburn, obviously afforded especial convenience to a seafaring chieftain. For at low water the fleet of the monarch could be drawn, as the fishing-boats of the nineteenth century are still drawn, on the banks of the river, and in rough weather the bay afforded shelter to the fleet from nearly every wind. The adjacent country, moreover, embraces one of the most fertile districts in the island. Everything, therefore, pointed to Castletown as a convenient site for the residence of the sovereign, and there is nothing improbable in the tradition that it was so chosen by Goddard. But, at the same

time, there can be no reason for crediting him with the erection of any portion of the present castle. There is indeed a story that, in the execution of some repairs in 1815, an old beam bearing the date 947 was discovered.[1] But, if such a beam was ever found, all trace of it has been lost; no one now alive has ever seen it; no one, even in the credulous atmosphere of a little town, has any faith in it; and the mere allegation of its discovery cannot be accepted as evidence of the foundation of the existing building, whose architecture proves that it was the erection of a later century.

In the fourteen years, which succeeded the death of Goddard, Train enumerates five, Sacheverell six kings. But Sacheverell thinks that the whole of them were invented by the monks to amuse the people, and passes lightly over their crimes and their punishments. In 974, however, the historian finds himself on a little firmer ground. Hacon or Macon or Maccus, for the name is variously written,[2] was apparently the king of many islands. He refused to do homage to Edgar of England, and was in consequence deprived of his crown. Restored to favour, he was one of the eight vassal sovereigns who are said to have rowed the Saxon monarch in his barge on the Dee. It is a singular commentary on Manx history that Scotch writers and Manx writers regard this incident from opposite standpoints. "The Scottish historians either deny the fact, or assert that their king, if ever he acknowledged himself a vassal to Edgar, did him homage, not for his crown, but for the dominions which he held in England."[3] The Manx historian, on the contrary, claims the incident as a proof of Macon's power. "Among other marks of honour paid to this prince by King Edgar, his attendance on him in that solemn

[1] Handbook to Isle of Man, p. 254.
[2] Manx Soc. Pub., i. 28; cf. Skene's Celtic Scotland, i. 376.
[3] Hume's History of England, i. 118.

passage over the Dee is not the least, where he, accompanied by a vast number of his nobility in boats, was rowed over that river in a stately barge, prepared for that purpose, by eight of those kings who paid homage to his sovereignty, he himself holding the rudder to testify his superiority over them all; among whom Macon had the third oar, to give him precedence of the other five." [1] Verily men are ingenious in discovering the badges of honour in the apparel of servitude. Hacon, it is probable, saw no particular honour in the performance of a duty which must have reminded him that he had been reduced from independence to vassalage. While the notion that precedence attached to him from the circumstance that he held the third oar in the boat must have been the invention of a writer who had never himself held an oar in a boat's crew.

The progress on the Dee, however, is charged with historical significance. It emphasises the fact that the Manx, for the second time in their history, had become tributary to England, and that the supremacy of the Saxon had been again extended over their little island. Hacon himself rose to high office under England. Edgar was fond of taking foreigners and Danes into his service, and he probably considered that no one was so competent to clear the seas which surrounded his kingdom of the pirates who periodically desolated its coasts as a monarch of the race which furnished the chief pirates. Hacon accordingly was made "admiral of that prodigious fleet" which Edgar collected, and "twice in the year he sailed round the British Isles to clear the seas from rovers." Spelman calls him "Totius Angliæ Archipirata," which in another place he interprets "Prince of Seamen," and it is supposed that he first assumed the bearings of a ship with her sails furled, and the inscription, "Rex Manniæ et Insularum," which for

[1] Sacheverell in Manx Soc. Pub., i, 29.

the next three centuries became the arms and motto of Man. The double office probably increased Hacon's dignity, and the King of Man and the Islands rose in authority and influence when he became admiral of all England.

Hacon is said to have died in 988, and to have been succeeded by his brother Goddard, a prince who occupies a place in Scottish and Irish as well as in Manx history. For, while the hundred years which preceded his reign had witnessed the increasing predominance of the Northmen, he was destined both to witness and fall in a contest between the two divisions of his own race, the Danes and the Norwegians. Hitherto the Danes, the Dubghall or dark-haired strangers, had asserted their power in England and in Ireland, while the Norwegians, the Fingall or fair-haired strangers, had acquired authority in Northern and Western Scotland.[1] The two powers met in the Western Islands, and the struggle for superiority apparently raged round the throne of Goddard. The attack seems to have been commenced by the Danes, who plundered Iona, made a descent on Dalriada, and fought a great battle, where Goddard was defeated and a thousand men were slain, in Man.[2] The struggle between the two branches of the Norse stock brought Sigurd, the Norwegian ruler of the Orkneys, into the field. Either for the purpose of restoring order or of reasserting the authority of Norway, or perhaps with the simple object of sharing in a general scramble for plunder, he moved southwards, fought and defeated Goddard, either in the Isle of Man itself or on the Manx coasts, and slew his son. The war was apparently terminated by Goddard's death in Dalriada. In consequence

[1] The names are sometimes supposed to apply to the colour of the sails which the two nations used. See Worsaae's Danes and Northmen, p. 46.

[2] The Chronicle of the Princes of Wales says "that in 994 the Isle of Man was devastated by Swain, the son of Harold." Manx Soc. Pub., vol. iv. p. 31.

of the Manx defeat, the Southern Hebrides were temporarily separated from Man. They were, however, reunited to it under Goddard's successor, and the kingdom of Man and the Hebrides had so far recovered from the reverses which it had sustained in the tenth century that it contributed a powerful contingent to the force which fought and fell at Clontarf in the commencement of the eleventh century.[1]

Forty years after the battle of Clontarf, another Goddard, whom the Manx identify as the last of the Orrys, occupied the throne of Man, and the island under his guidance had its share in the great events which led in 1066 to the termination of Saxon rule in England. William the Conqueror meditated a double attack on the country to whose throne he aspired. His own blow on the south was to be accompanied by a blow from his kinsfolk, the Norsemen, on the east. But the fleet, which Harold Hardrada flung on the coast of Yorkshire, did not entirely sail from the Norwegian fiords. A contingent of it, and, as Manx historians say, a contingent prepared under Hardrada's own eye, set out from the Isle of Man;[2] and, when the Northmen were defeated at Stamford Bridge, some of those who escaped the slaughter repaired to the same island. Among these fugitives came one Goddard Crovan,[3] son of Harold the Black of Iceland.

[1] Annals of Ulster; Skene's Celtic Scotland, i. 386 *seq.*; Train's Isle of Man, i. 68–72.

[2] Train, i. 75.

[3] The name of Goddard Crovan will recall to many persons the Goddard Crovan Stone which Alice Bridgenorth fixed as the trysting-place for her meeting with Julian Peveril. Scott tells us at the close of chap. xvi. of the novel that it "was a monumental stone designed to commemorate some feat of an ancient king of Man." Mr. Arthur Moore, on the contrary, says that Goddard Crovan, when in a passion with his termagant wife, threw this stone at her and killed her (Manx Place-Names, p. 310). The stone was a huge granite boulder situated on the banks of a little stream near St. Mark's, not far from Alice Bridgenorth's residence, the Black Fort. It has unfortunately been broken up during the present century, and is no longer to be found.

Goddard was hospitably received by the reigning Goddard; but, noticing that the defences of the island were slender, and that its sovereign was unpopular, he meditated an act of conquest. Returning to Norway, he collected a force in a country, which at that time was always ready to contribute men for any aggressive enterprise; and, placing himself at the head of the expedition, he made a descent upon the island. The story goes that he was twice repulsed, and that on the third occasion he concealed 300 men in ambush on Scacafell, the wooded hill—as the modern Sky Hill was then called—and, flinging them on the rear of the enemy while it was engaged in resisting his approach from Ramsey Bay, involved his opponent in confusion. The Manx appealed for quarter, which Goddard is said to have readily granted. To his own troops he gave the choice of land or booty. Those that chose the booty had their share of the spoil equitably allotted to them, "and were civilly dismissed." Those who chose land were settled in the southern, which was probably regarded as the richer, half of the island, while the natives were removed to the northern half. But, in settling and resettling the people on the land, Goddard made the condition that no right of inheritance should attach to the grant. The people, in fact, became thenceforward the Lord's tenants at will; the Crown became the sole proprietor of the soil of the island. And this state of things, so obviously calculated to lead to oppression and exaction, was not remedied till six and a half centuries had rolled over the little island, whose fortunes had been settled by this decisive battle.

For, though the island had been the constant theatre of war, no contest had hitherto taken place in it so decisive as the battle of Sky Hill, and no battle that had hitherto been fought on its shores has come down to us with such distinctness as this famous combat. The scene of it must be familiar to tens of

thousands of persons who perhaps never heard of the battle or of Goddard Crovan. For every tourist who drives round the island must have noted the dark wooded, picturesque hill, which stands out, like a sentinel to the higher mountains behind it, on the flat plain through which the Sulby winds its way into Ramsey. It requires no imagination to picture the troops of Goddard, advanced perhaps from Port-Lewaigue, on the southern shore of Ramsey Bay, the opposing Manxmen drawn up on the higher ground at the present outskirts of the town; and, on the battle beginning, the rush and shouts of the 300 as they descended from the ambush on the hill, and filled the space between the mountains on the one side and the river on the other.

"Goddard Crovan beat his anlace on the shield; the warriors upon the mountain heard the sound of the silver shield; swift as the hunted stag they fly to the war, they hear the noise of the battle . . . on the rushy moor of Rossin they astonish the foe and join in the war. There fought Godred Crovan, death sat on his sword, the yelling breath of the dying foe shook his banner; his shield the stream of Laxey, which surrounds the dark brown wood and shines at the noon of day; his anlace dropped blood, and tore through the helmets of the foe like the red lightning of the storm."

So wrote the gifted, unhappy Chatterton, in language which showed that his knowledge of the age of which he sang was greater than his knowledge of the Isle of Man. The dynasty which Goddard Crovan founded lasted for nearly two centuries, and in this period nine kings of Goddard's race are said to have occupied the throne of Man. Goddard himself was the most famous of these monarchs. The Manx chronicler claims that he subdued Leinster and Dublin, and brought the Scots into such subjection that "no one who built a vessel dared to insert more than three bolts." In other words, Goddard,

anxious to maintain his naval supremacy, forbade the building of boats above a certain size in the Islands of Western Scotland, which had been brought under his subjection. The chronicler adds that this active Prince, after a reign of sixteen years, died in Islay, leaving three sons behind him, Lagman, Harold, and Olave. Lagman seized the crown, defeated a rebellion of his brother Harold, and put out his eyes, while his younger brother Olave, a mere child, sought refuge at the English court. According to the Norse sagas, however, Goddard was expelled from his kingdom by Magnus Barefoot, the king of Norway, the grandson of Harold Hardrada.

It is hardly worth while to expend much time in determining which of these opposite stories is correct. Whether Lagman reigned before Magnus Barefoot reached the island, whether, as Mr. Train suggests, he reigned after Magnus Barefoot's death, or whether he attempted to rear a feeble throne at intervals during Magnus Barefoot's absences, these are matters which need hardly occupy us now. What is of importance is that Magnus evidently desired to re-establish the authority of Norway in the islands where Norwegian chieftains like Goddard had shaken off the yoke of the mother country. On his first arrival—for it is difficult to reconcile the stories which have come down to us without believing in two distinct expeditions—the Manx men fled before him into Galloway, and the island became consequently an easy prey. In his second expedition, which is supposed to have taken place in 1093, Magnus found that the south of the island had revolted against his viceroy, Earl Ottar; that a bloody battle had been fought between Earl Ottar's adherents in the north and the rebels in the south, in which Earl Ottar had been killed, but in which victory had ultimately rested with the North, through the aid brought by

the women to their husbands and relatives.[1] It is said that, when Magnus landed, the bodies of the slain still lay unburied on the battle-field, and that the people, wasted by civil warfare and famine, presented a pitiable spectacle. They lived in small huts or cells, under the ground, chiefly in the mountains,[2] whither they had retired for safety. Magnus is supposed to have pitied the condition of the people, and to have caused them to provide themselves with more suitable dwellings.[3] It is perhaps more probable that the order which resulted from his firm rule stimulated the industry of an impoverished people. For there seems to be no doubt that Magnus was a strong and powerful ruler. He was instrumental in checking an English invasion of North Wales at the close of the eleventh century; and at the commencement of the twelfth century he led a formal expedition into Ireland. Here, however, his active career was suddenly closed. He was slain by the Irish; his followers were cut to pieces; and his sons, failing to maintain their authority in the isles, retired to Norway.

On Magnus' death, the thoughts of the Manx people seem naturally to have reverted to the descendants of their Norse monarch, Goddard Crovan, the victor at Scacafell. Of Goddard's three sons, Lagman, the eldest, had cruelly treated and blinded his second brother, Harold; and, subsequently seized with remorse, had resigned his kingdom and had found a

[1] As the reward of their bravery, Train says that it was afterwards enacted by the Insular Government that "of all goods immovable, not having any life, the wives shall have the half on the north side, *whereas those on the south side shall receive only one-third*" (Train, i. 84). The statute referred to is evidently the book of spiritual laws and customs (Manx Statute Book, vol. i. p. 40). The words in italics do not, however, occur in the original, though probably their sense may be inferred from the context.

[2] Train, i. 85.

[3] "Insulam Man, quæ deserta erat, inhabitavit, populis replevit, domibus et aliis necessariis ad usus hominum gnavitur instruxit."—*Ordericus Vitalis*, Manx Soc. Pub., vol. iv. p. 29.

Crusader's death in the Holy Land. Olave the younger, Olave Kleining (Olave the Dwarf), as he is sometimes called, who had withdrawn to England, had been carefully educated at the English court, and had married Alfrica, daughter of Fergus of Galloway.[1] He is said to have returned to the island in 1102, the third year of the reign of Henry I. of England, and to have conducted the government with prudence for forty-two years. Possibly, however, his virtues have been exaggerated, because, living in an age when ecclesiastics were the only historians, he proved himself a great benefactor to the Church. He "gave to Ivo, Abbot of Furness, a piece of his land in Man, to establish a monastery at a place called Rushen, and he gave to the churches of the isles lands and privileges. He was devout and zealous in promoting the divine service, and was acceptable to God and man."

Yet he was not destined to end his long reign in peace. His brother Harold, blinded years before by Lagman, had left three sons, who had been brought up in Dublin. They, perhaps naturally, thought that some share of their grandsire's, Goddard Crovan's, conquests should attach to them. They collected round them in Ireland such followers as they were able to attract to their banners, and such refugees from Man as were dissatisfied with Olave's rule. Strengthened by the increasing number of their adherents, they demanded one half of the kingdom of the isles as their own share. It seems probable that Olave referred the claim to Norway. At any rate, he proceeded to that kingdom; acknowledged the superiority of the Norwegian crown by paying to it his tributary fee; and in return was crowned king of the isles at Drontheim, and left his son Goddard to be educated at the Norwegian court.[2] On his

[1] Train says (i. 91), but apparently inaccurately, that Alfrica was the granddaughter of Henry I. of England. Cf. Guthrie's History of Scotland, vol. i. pp. 315-331.

[2] Chron. Manniæ, and Train, i. 92.

return to Man, he met his nephews at Ramsey; and, either from policy or from good nature, fixed a day on which their claim should be heard. The meeting was held in the open air, in the neighbourhood of Ramsey, and possibly under the shade of that very wooded hill where Goddard Crovan, some sixty or seventy years before, had won his famous victory.[1] "On the appointed day," says the old monkish chronicler, "both parties met at the port called Ramsey, and sat down in order, the king and his followers on one side, [his nephews] on the other. Reginald [the second nephew] stood apart, speaking to one of the chiefs of the country. On being summoned to approach the king, turning to him as if in the act of saluting, he raised his gleaming battle-axe on high, and at a blow struck off the king's head." The murder was probably followed by a general attack on Olave's followers. The nephews, at any rate, were so far successful that they seized the island and divided it among themselves. They even collected some vessels and made a descent upon Galloway, whose inhabitants were naturally disposed to the cause of Olave, the son-in-law, it will be recollected, of their Lord. The men of Galloway, however, attacked and defeated the invaders, who were consequently compelled to return to Man.

Harold's sons did not long remain in possession of their newly acquired dominion. In the autumn, which succeeded Olave's murder, his son Goddard crossed from Norway with five ships and landed in the Orkney Islands. "All the chiefs of the Isles were rejoiced when they heard of his arrival, and assembling together, unanimously elected him their king. Goddard then came to Man, seized the three sons of Harold, and, to avenge his father's murder, awarded them the death they deserved."[2]

[1] The battle of Scacafell was probably fought A.D. 1077. Olave's death is supposed to have taken place between 1142 and 1154.

[2] Chron. Manniæ.

At the time of Goddard's accession, Dermot MacMurrough was king of the Irish province of Leinster, but the Danes still held strong settlements on various parts of the Irish coast, and specially at Dublin. About the same time their king, one Reginald, fell in a battle in Meath, and the Danes—the throne being vacant—invited Goddard to reign over them. Goddard accepted the offer, and arrived with a considerable armament in the Liffey. The Danes of Dublin were almost unanimous in his favour, though Ottar, a Danish chieftain, put in his own claim for the throne. Dermot MacMurrough, the Celtic king, advanced on Dublin to dislodge Goddard. Goddard defeated the attack, but he did not remain long in the new kingdom which he had secured. He returned to Man; and, shortly afterwards involved in a struggle for his own throne, apparently found himself unable to maintain the Irish crown; and the Danes of Dublin accordingly chose a new successor.

Difficulties were, in fact, surging around Goddard. The old Manx chroniclers attribute this to his own despotic conduct. Perhaps they were more directly due to the Irish enterprise. For Ottar, the rival claimant of the throne of Dublin, had a son, Torffin, a considerable landowner in Man, who, either from a desire to promote his father's cause, or from resentment at his own treatment, headed a party against Goddard. But he did not venture on a direct attack on Olave's dynasty. All he tried to do was to substitute one of Olave's children for another. Goddard, indeed, was Olave's only legitimate child; but Olave, who had "indulged too much in the domestic vice of kings," had a numerous illegitimate family. One of his natural daughters was married to Somerled, the mighty Somerled of the "Lord of the Isles." Torffin persuaded Somerled to declare his son Dougal king of the Isles, in virtue of his mother's descent from Olave, and to

send an expedition to Man to enforce the claim. Goddard, warned of the conspiracy by the Lord of Skye,[1] fitted out a fleet to encounter Somerled. The hostile fleets met—it is not said where—on the Eve of the Epiphany, and a bloody and apparently indecisive action ensued. On the morrow Somerled and Goddard met and agreed to divide the heritage of Olave. Somerled's son, Dougal, took the northern Hebrides as his share; Goddard retained Man and the southern islands.

The date of this battle is given in the Manx Chronicle as 1156, and it probably took place about that time. It marks an important epoch in Manx history, and it indirectly illustrates the history of the larger islands around it. Thenceforward the Norse dynasty in Man was confined to the islands to which the treaty had limited it; instead of being Rex Manniae et Insularum, Goddard and his successors were only Kings of Man and the Sudereys (Sodorenses Insulæ); and to this day the fact has given the title to the Manx Bishop, who is Bishop of Sodor and Man—in other words, of Man and these islands. But the battle is still more remarkable, because it points to the decreasing power of the Norse, or rather to the increasing power of the Saxon and Celtic populations of the British Islands. England, long freed from the danger of piratical incursions by the firm government of the Norman kings, was enjoying, under the first of the Plantagenets, the repose of security; Scotland had already acquired cohesion as a Celtic kingdom; and, though her western coasts were still harried by the Islanders, these men were ranging themselves under either a Pictish or a Celtic king,[2] and not under Norse leaders. History was evidently entering on a new chapter.

[1] Chron. Manniæ; cf. Train, i. 98.

[2] Somerled's ancestry is doubtful. See Train, i. 101.

The peace which Goddard concluded with Somerled was not of long duration. Two years after its conclusion, Somerled attacked the Isle of Man itself with a fleet of fifty-three vessels, and Goddard fled for security and help to Norway. For six years Somerled retained the throne which he had thus won; but in 1164 he raised a great fleet of a hundred and sixty sail and landed in Renfrewshire, "with the intention of subduing the whole of Scotland. But, through divine punishment, he was overcome by a small number of foes, and there slain with his son and a vast number of his people."[1]

Somerled's power crumbled with his death. Reginald, a natural son of Olave, and therefore Somerled's brother-in-law, seized Man; but on the fourth day of his reign, Goddard, who had probably heard of Somerled's defeat, returned from Norway, seized his brother, put out his eyes, and regained the kingdom from which he had been driven eight years before.

Goddard held the territory which he thus regained till his death in 1187. He left three sons, Reginald, Ivar, and Olave, and a daughter, Alfrica, married to John de Courcy, an Englishman of Norman descent who had conquered the province of Ulster. These children were probably sprung from different mothers. In a modern sense they were all illegitimate; but Olave had been legitimatised by the subsequent marriage of his mother, a granddaughter of Murrough, king of Ireland, with Goddard.[2] In consequence of this mar-

[1] Chron. Manniæ.

[2] The story goes that the Pope, Alexander III., sent a legate to Goddard to complain that he had not been married according to the rites of the Church, and with a commission to see him married in due form. Silvanus, Abbot of Rivaulx, performed the ceremony, and Goddard "gave him a piece of land at Mirescoge, where he soon built a monastery; but in process of time the land and the monks were made over to the Abbey of St. Mary of Rushen" (Chron. Manniæ). This Mirescoge, according to Feltham, is conjectured to be the place now called Ballamona in the parish of Lezayre (Feltham's Tour in Man, p. 160; Train, i. 107; but cf. Ibid., p. 34). Subsequent marriage, in certain cases, still

riage, Olave seems to have been regarded as Goddard's only legitimate representative; and Goddard, at any rate, left his crown to Olave. But in 1187, when Goddard died, Olave was a child of ten; and children of ten in the twelfth century had a poor chance of succeeding to their inheritance. The Manx "considered that a person who, on account of his tender age, knew not how to direct himself, would be wholly incapable of governing his subjects." They therefore "sent for Reginald, and made him their king, because he was a man of energy and riper age."[1] Reginald ascended the throne which he thus acquired in 1188; but he was soon involved in serious difficulties with England. His brother-in-law, De Courcy, was one of those who accused John with being accessory to Arthur's murder, and John, angry at the charge, sent De Lacy to subdue and capture the Lord of Ulster. De Courcy fled for succour to Reginald; and Reginald, fitting out "the finest army of native troops that had ever left the island,"[2] steered with him for Ireland. He suffered a crushing defeat, and Ulster passed under the rule of De Lacy. John, whose power was still unbroken, determined to avenge himself on Reginald, and in 1206, in a document which is still extant in the Patent Rolls, granted terram suam de Mannoia to William de Burgh.[3] There is no evidence that De Burgh ever took possession of the island, but his descendants kept up a sort of hereditary claim to it, and eighty-four years afterwards Edward I. accepted a surrender of it from Richard de Burgh.[4] Whether De Burgh, however, visited the island or not, John took signal vengeance on Reginald in 1211. He despatched Fulke de Cantelupe,

legitimatises a child in the Isle of Man. The Deemsters and Keys laid down the law in 1594 in these words: "If a man get a maid or young woman with child, and then within a year or two after doth marry her, we judge them to be legitimate by our customary law."—*Statutes, Isle of Man*, i. 68.

[1] Chron. Manniæ.

[2] Train, vol. i. p. 110. [3] Manx. Soc. Pub., i. 130. [4] Ibid.

a knight of violent temper and rude manners,[1] with a large army from Ireland to chastise Reginald for his imprudence; and Cantelupe, though Reginald himself escaped from his punishment, plundered and harried the unfortunate inhabitants of the little island.

In the meanwhile, the reverses which the Manx had sustained under Reginald made them naturally discontented with his rule, and their thoughts reverted to their former sovereign, Reginald's half-brother Olave, whose father had pronounced him his legitimate successor. Olave was at that time living in the Island of Lewis, then, as now, barren and "uncouth,"[2] which, though it had been severed from the kingdom of the Isles on the peace which Somerled had concluded with Goddard, seems to have been temporarily reunited with it after Somerled's defeat in Renfrewshire, and to have been yielded by Reginald to Olave. But Olave, finding that Lewis was not rich enough to support himself and his followers, and probably perceiving that the discontent of the Manx with Reginald's rule afforded him an opportunity, returned to Man, and presented himself to Reginald. "You know, my brother and king," he is reported to have said, "that the kingdom of the Isles was mine by hereditary right; but, as the Lord chose you for its governor, I do not grudge it you, nor am I discontented because you have been raised to the supreme dignity of king. I now therefore beg that you will allot me land somewhere in the Isles sufficient for my own decent maintenance and that of my followers, for the Island of Lewis which you gave me is unequal to my support."[3] Reginald promised to take advice on the subject of Olave's request, but on the following day seized his brother and sent him prisoner to William of Scotland.

[1] Train, vol. i. p. 111, from Hume's History of England, chap. xi.

[2] The epithet is Sacheverell's, and exactly expresses the character of Lewis.

[3] Chron. Manniæ.

Olave remained a prisoner in Scotland till he was released on William's death in 1214.

It was perhaps natural that Reginald should have turned to Scotland for the help which he could no longer personally have expected from England, and have committed his inconvenient brother to the safe keeping of William the Lion. But after Fulke de Cantelupe's foray, Reginald could no longer resist the power of John. He was either brought or summoned to England, and on the 11th May, at Lambeth, in the presence of the Bishop of Winchester, Lord Salisbury, and others, formally declared himself John's liegeman and swore fidelity to him.[1] Thenceforward England continually asserted her right to fealty from the kings of Man, which some two centuries later became a dependency of the English crown. Seven years afterwards, in 1219, Reginald obtained a safe-conduct from Henry III. for the purpose of doing homage to him; but at the same time, probably without Henry's knowledge, he surrendered the island to the Pope, Honorius III., receiving it back from him in fief, subject to an annual tribute of twelve marks, payable to the Roman Church at the Cistercian Abbey in Furness.[2]

In this extraordinary conduct Reginald was probably influenced by the attitude of his half-brother, Olave; for Olave, on his release from captivity, after a pilgrimage paid to the shrine of St. James of Compostella, had returned to Man and received in marriage Reginald's sister-in-law, Lavon, and his old barren territory of the Lewis. But this marriage was annulled by the Bishop of the Isles on the ground of Lavon's kinship to Olave's former wife or mistress, and Olave immediately married a daughter of the Earl of Ross. It seems, therefore, possible that Reginald, when he saw his brother conform-

[1] The declaration is reprinted in Manx Soc. Pub., vol. xxiii. p. 289.

[2] Ibid., pp. 290, 294, and Train, vol. i. p. 113.

ing to the views of the Church, was anxious to secure himself the moral support of the Pope; for Lavon's divorce naturally pointed to a renewal of the struggle between the two brothers. Reginald's queen, indeed, angry at her sister's disgrace, openly urged her son, Goddard, a powerful chieftain in Skye, to assassinate Olave, and Olave only escaped by flying to his father-in-law in Ross-shire. The war between the two brothers was thus renewed, and was carried on with various fortunes. The two sides of the little island of Man again ranged themselves in opposite camps, the south preferring the cause of Reginald, the north of Olave. The contest was ultimately decided in 1229 by a battle fought round the Tynwald Hill, where Reginald was driven from the field and killed in the flight. Thereupon Olave succeeded to the throne, which had been left him by his father forty years before. He retained it till his death in 1237, when he was succeeded by his eldest son, Harold, a lad of fourteen.

In these obscure transactions, which it has been attempted to reduce to some kind of probable order in the preceding paragraphs, it is difficult to discover the real characters of the rival brothers. The Norwegian sagas praise Reginald, the Manx historians Olave, whom Sacheverell pronounces "a prince worthy of better times, a better kingdom, and better subjects."[1]

The praise which Manx historians accord to Olave, or Olave the Black, as he is called, they extend to his son and successor, Harold, whose reign was influenced by the gradual rise in the power of England, and the no less gradual decay in the influence of Norway. During the three hundred years which had passed since the invasion of Orry, the Manx chieftains, whether of the line of Orry or of Goddard Crovan, had recognised their theoretical allegiance to the Norwegian court; but, separated

[1] Manx Soc. Pub., vol. i. p. 49.

from that country by hundreds of miles of stormy sea, they had frequently secured a virtual independence. Yet the court of Norway had never relaxed its claim to the island. It found expression in Magnus Barefoot's two expeditions; it was recognised by the first Olave when he referred his nephews' petition to the Norwegian court; it was asserted when Olave's son, Goddard, sailed for Norway to avenge his father's murder; and it was now admitted by Harold, who repaired to Norway, and obtained from the Norwegian court a confirmation of his authority as king of all the islands held by his predecessors.[1] But the distant court of Norway was no longer the only power which had pretensions to the Isle of Man. Ever since Reginald, the usurper in Man, had thrown himself on the protection of John, the usurper in England, the court of Westminster had thrown wistful glances at the little island, situated so conveniently, or perhaps so inconveniently, near its shores. Weak as Henry III. was, he tried to obtain the good-will of Harold. He summoned him to London in 1247, conferred on him the honour of knighthood, and loaded him with presents. The favour of England brought this so far fortunate young prince fresh honours from Norway. In 1249 he was again at the Norwegian court receiving the king's daughter in marriage, and a promise that the king would greatly exalt him, and raise the throne of his kingdom above all that it had been in the days of his predecessors."[2] But "l'homme propose et Dieu dispose" is a saying as true of princes as of other men. Harold, in returning from Norway, was caught by a storm off the Shetland Islands; the vessels in which he was sailing were wrecked; and he, his young wife, and all his company, perished.

Historically the reign of Harold is chiefly remarkable from the evident anxiety of the courts both of England and Norway to secure the favour of the King of the Isles; but it is also

[1] Chron. Manniæ. [2] Chron. Manniæ.

memorable for the circumstance that the cessation of the long struggle, of which the island had been the theatre, led to a little more prosperity among its people. The arts, too, began to revive, and the Cathedral of St. Germans, the chief ornament of Peel, was commenced in the reign of Harold. Its founder, Bishop Simon, died in the year in which Harold was drowned.

On Harold's premature death the crown of the Isles descended to his next brother, Reginald. Short shrift was, however, awarded to the young monarch. He was assassinated in the month of his accession by "the Knight Ivar," who may perhaps have been the grandson, but could hardly have been the son (as Train conjectures[1]), of Goddard. Reginald left behind him a daughter, Mary, a mere child, whose name was afterwards to be heard of in the story of the island. His throne was at once usurped by another Harold, son of Goddard Don, or Goddard the Brown, and grandson of that Reginald who had been defeated and killed in the struggle with Olave which had surged round the Tynwald Hill more than twenty years before. The arm of Norway, however, was still long enough to revenge a series of lawless outrages. Harold was summoned to Norway, and the Manx thereupon selected Magnus, the last surviving son of Olave the Black, and Norway confirmed the election.

The reign of this second Magnus, the last of the line of Goddard Crovan, is supposed to have lasted from 1252 or 1256 to 1263 or 1265. It witnessed the final scene in the long struggle between Scot and Dane, and the ultimate victory of Alexander III. of Scotland over Haco of Norway at Largs. In the battle and in the disaster Magnus had his share.

The battle of Largs, which terminated the sway of Norway

[1] Train, vol. i. p. 126.

in the Western Hebrides, did not immediately deprive Magnus of his old inheritance of Man. After his defeat he did homage to Alexander, and received in return a charter by which he held the island under the Scottish throne. Theoretically he had become "the man" of the Scottish king, just as before he had been the man of the Norwegian king. His kingdom, however, thenceforward shrank to the limits of the little island to which he retired; and on his death, two years after Largs, Alexander, resolving to make the connection still closer, sent Alexander Stewart and John Cumin to reduce Man to obedience. These chieftains landed at Derbyhaven on the 7th October 1270, and on the following morning defeated the Manx, slaying Ivar, the murderer of Reginald, who had grasped the sceptre. Thereupon the island entered on a new phase of its chequered history. For the next century it practically remained an appanage of the Scottish crown.

CHAPTER V.

THE STRUGGLE BETWEEN ENGLAND AND SCOTLAND.

THE battle of Largs, or at any rate Ivar's death at Derby-haven, terminated the rule of the Norse in Man, which had endured for three hundred years. Founded on conquest, it had been memorable for blood-shedding, and civil warfare and foreign enterprise had left little opportunity for the improvement of the people. Yet the rulers who had issued from the creeks of Norway were at least men; they had raised the Isle of Man and the islands which fringe the western coasts of Scotland to a position which is almost unique in history; they had made them a terror and a power; they had made the little Isle of Man formidable to the greater kingdoms around it. No doubt the situation of the island in a stormy sea had facilitated the plans of its rulers. Like the pirates, who infested the Ægean in the days of early Greece, they partly owed their immunity to the fact that they were not easily open to attack. But they were further assisted by the condition of the adjacent countries. The wild tribes who occupied Ireland were in no position for aggressive enterprise beyond their own shores. Scotland was only gradually being welded into one kingdom; and her chieftains, occupied with their own internal quarrels, were frequently unable to curb the marauders on her coasts; while England, looking to the south

and to the east rather than to the north and west, with Wales still unconquered and Ireland still unattempted, had little interest in the safety of the Irish seas. Thus, during their earlier rule, the circumstances of other countries gave the Norse conquerors of Man a comparatively free hand. But thus, too, the consolidation of Scotland and the progress of England made it certain that their immunity would not endure. Scotland, when once united, was not likely to tolerate the presence of Norse freebooters encamped in Norse strongholds on her western coasts. England, when once supreme in Wales, and nominally supreme in Ireland, could not be expected to submit to a foreign power in the intermediate seas; and it was consequently certain that the kingdom of the Isles would sooner or later fall under either Scottish or English influence. The stars were fighting in their courses against the Norse; from its very nature, Norse rule could not permanently endure.

Under its Norse rulers the crown of Man was nominally hereditary; but the hereditary claims of its princes were subject, as in Saxon England, to some sort of popular control. The choice of the people was almost always limited to some member of the reigning family, but the people's choice required the approval of the Norwegian court. For, even in these early days, the island was not an independent kingdom; its sovereign owed allegiance to Norway, and the approval of the mother country was almost as important to his title as the support of the people. Thus till the very eve of the crushing defeat at Largs, the crown of Norway succeeded, both in theory and practice, in maintaining its superiority. The kings of Man and the Isles constantly referred their claims to the Norwegian court; the Bishops of the Isles were usually, perhaps uniformly, consecrated by the metropolitan at Drontheim. But, though Norway still retained her lordship over the Isles, the coming

supremacy of England was already casting its shadow before. When the kings of Man consented to become liegemen to an English monarch, when they accepted safeguards from English kings in order to enable them to pay homage at the English court, they could have felt little doubt that the rising and neighbouring power of England was destined to supersede the dwindling and distant power of Norway; and though the old Norse blood still ran in their veins, though they still professed allegiance to the sovereign of the country from whose creeks their ancestors had originally sailed, their own interests compelled them to range themselves under the power which was potent to destroy or to spare.

In the three hundred years, over which their sway had extended, the Norse had left some permanent traces of their presence in Man. The Cathedral at Peel, the ruins of Rushen Abbey, the bridge which spans the Silverburn above the Abbey, the monumental stones which are scattered in such profusion throughout the island, testify to their skill as architects, as bridge-makers, and as sculptors. The division of the island into sheadings or ship shires, which still survives for political purposes, demonstrates their administrative efficiency, while the fact that its Legislature still meets annually to promulgate the laws in the open air proves that they could devise institutions destined to survive their cathedrals and their abbeys. With these exceptions, there are few traces of the Norse conquest. The Celtic speech superseded the Norse tongue; the majority of place-names and surnames are Celtic, and not Norse in their origin. Just as in England the English supplemented the Norman speech, so in Man the Celtic survived and the Norse language disappeared.

There appears to be no general law which regulates the survival of particular languages. "The Roman conquest of

Gaul and Spain, the Mohammedan conquests in Syria, Egypt, and Northern Africa, the Teutonic conquest of Southern Germany, and the Anglo-Saxon conquest of England, are the chief instances in which the language of the conquerors has prevailed. But the reverse has been more frequently the case. . . . The Bulgars exchanged their own Turkic speech for the Slavonic dialect of their subjects. In Normandy the Northmen acquired French, which in England they exchanged for English. The Franks, the Lombards, the Sueves, the Vandals, and the Goths were unable to impose their Teutonic speech on the southern lands which they overran. Dr. Hodgkin has described for us the process by which the Gothic language and nationality was extinguished in Italy. . . . Even in Burgundy, where the conquerors were the more numerous race, as is shown by the fact that, in the department of the Doubs the racial type is Teutonic, the speech is now a Neo-Latin dialect."[1]

Exactly the same thing occurred in Man. Though the Norse acquired complete predominance, though they maintained their superiority for three hundred years, though they divided and re-divided the island among themselves, they were no more able than their compatriots in Normandy and England to impose their language on the people whom they subdued. An analysis of [the place-names of the island] shows that, out of about 1500 in use at the present day, rather more than 1000, or 68 per cent., are purely Celtic; about 130, or 9 per cent., are purely Scandinavian, while about 90, or 6 per cent., are of mixed Celtic and Scandinavian origin."[2] This remarkable result is probably partly due to the circumstance of the Norse invasions. A warrior race, moving some 800 or 1000 years ago by sea, had no room in their comparatively

[1] Taylor's Origin of the Aryans, pp. 209, 210.

[2] Surnames and Place-Names of the Isle of Man, p. 11.

small boats for their women. They must necessarily have married the girls whom they found already in the countries which they made their homes. But these girls would naturally teach to their children their own language; they would call the familiar features of the landscape by the names which they themselves had learned to apply to them, and in this way the Celtic names would have survived, and have been handed down to later generations.

Exactly the same process was visible in the names of people. The Celtic names tended to survive, the Scandinavian names to die out. Even where the Scandinavian root could be detected in the name, it was much corrupted with some Celtic prefix, such as Mac.[1] Thus, according to Mr. Arthur Moore, "out of about 170 surnames, which were in use in the Isle of Man at the beginning of the present century, about 100, or 65 per cent., are of Celtic origin, and about 30, or 17.5 per cent., of Scandio-Celtic origin."[2]

Physiology, like language, points to the mixed origin of the Manx. Dr. Beddoe investigated the head measurements, the stature, the nigrescence, and other physical peculiarities of Manxmen in different parts of the island. It is unnecessary to state all his conclusions, which have been published elsewhere. It is sufficient to quote his final judgment. "On the whole, the physical characters perfectly agree with the history, viz., that the Norse element in the blood is very strong, though less strong than the Gaelic or Ibero-Gaelic."[3]

But the Norse have left a more lasting impression of their rule in the island, than it is possible to trace in material

[1] The Mac, it must be recollected, is never found in its integrity in the Isle of Man; it is always in an abbreviated form. Thus MacWalter becomes Qualtrough; MacAlister, Collister; MacAulay, Kewley; MacGillyChrist, Mylchreest.

[2] Surnames and Place-Names of Isle of Man, p. 11.

[3] Manx Note-Book, No. 9, pp. 23–33.

monuments or modern speech, in the physical stature of the people. Mark, on any summer evening, the bronzed but fair-haired men, large in limb and tall in stature, fitting out their boats for the herring-fishing, or see them riding on the storm-tossed waters, at home and secure, then you will see traces of the old seafaring spirit which, a thousand years ago, sent the Vikings from their creeks on an enterprise of plunder and conquest. And if this be true of other places, where the dark-haired and fair-haired strangers came, it is eminently true of the little island which for three centuries was the centre of their power. It is the Manx fishermen who, in our own time, have opened up the fisheries of South-Western Ireland; it is the Manx fishermen who own the finest and fastest fishing-boats in the British seas. Wherever fish may be found, there the Manx fishermen will go. Of them it is literally true—

"Their home is on the ocean deep,
Their cradle on the wave."

The final defeat of the Norse and the death of Ivar opens up an entirely new chapter in the history of the island; and, if it is difficult to give a connected narrative of its affairs under Norse rule, it is still harder to piece together the little knowledge that has come down to us of the succeeding century.

During the reign of Alexander III. the island was governed in his name by four successive lieutenants. The Manx under their rule appear to have alternately experienced the blessings of good and the hardships of evil government; but the death of Alexander III. in 1285 introduces a new era both in the history of Scotland and in the history of the island. His granddaughter and heiress, the Maid of Norway, was betrothed to the son of Edward I. of England; and statesmen in the

thirteenth century hoped that this marriage would lead to the closer union between Scotland and England which ultimately resulted from the marriage of another Margaret two centuries later. But the Maid died on her passage to Scotland; the direct descendants of William the Lion ceased with her death, and Scottish statesmen had to seek for an heir to the throne among the descendants of William's brother, David. Three men—Baliol, Bruce, and Hastings—claimed the throne, as the representatives of David's three daughters, and their claim was ultimately referred to Edward I. of England. The reference enabled Edward to assume the position of Lord Paramount of Scotland, and to support his claim by moving troops across the Border. But, while he was thus asserting his feudal rights over the northern kingdom, he did not neglect the little island that lay off his own coasts. In 1290 he accepted its surrender,[1] "quæ nuper exstitit desolata et multis miseriis occupata, defectu protectionis et defensionis," and handed it to Walter de Huntercomb. In the deed of surrender, which was dated from Rushen Abbey, the men of the island engaged neither to rebel against their new sovereign nor to injure or maliciously afflict any of his subjects, under a penalty of two thousand pounds of silver. Walter de Huntercomb, however, only enjoyed his rule for a short period. In 1292 Edward, who had now decided on the rival claims of Baliol and Bruce, restored the island to Baliol as King of Scotland, reserving his own rights as Lord Paramount.

Thus, through the action of England, Man was again restored to the occupant of the Scottish throne. Baliol, however, had formed a very different opinion of his position from

[1] Edward seems to have accepted the surrender (1) from the inhabitants themselves, whose deed of surrender is printed in Rymer's Fœdera, vol. ii. p. 492, and is reprinted in Manx Soc. Pub., vol. i. p. 152; and (2) from Richard de Burgh, the representative of William de Burgh, to whom John had granted the island more than sixty years before.

that which was entertained of it by Edward. He acted like an independent sovereign, while Edward regarded him as a dependent king. Baliol's refusal to admit the right of ultimate appeal to England, and his disregard of the summons to follow England to war with France, led to a breach between the two countries; and in 1296 Edward commenced the campaign which led immediately to the capture of Edinburgh and the imprisonment of Baliol, and more remotely to the revolt of Wallace and the battle of Falkirk. Probably before war actually commenced the demands of Baliol made Edward regret that he had in 1292 restored Man to Scotland. At any rate, he seems to have been disposed to look with favour on the claims of other candidates for its throne. Two claimants were already in the field. The first, Alfrica, who described herself as the heiress of Magnus, the last king of Man, and who probably was his sister, and therefore the daughter of Olave the Black,[1] was married to Sir Simon Montacute, whose reputation stood high in the English court. The second, Mary, the daughter of Reginald, the unfortunate young monarch who was assassinated by Ivar in the month of his accession, was married to John de Walbeof, another prominent Englishman. Alfrica was the first to raise her claim. On seisin of the island being granted to Baliol in 1292, she applied to him, asserted her own rights, and offered to do homage to him for her kingdom. Unable to obtain redress from Baliol, she appealed to Edward, whose writ in 1293, desiring both Baliol and her to appear before him is still extant.[2]

Baliol probably never obeyed this summons. The progress of the appeal is not known, and twelve years afterwards Alfrica conveyed her rights and interests in the island to her

[1] Manx Soc. Pub., vol. i. p. 159.
[2] Ibid., p. 164.

husband; in the following year, John de Walbeof, Mary's grandson, raised his claim, and his petition was referred by Edward to the Court of King's Bench.

Thus, in 1305, two powerful English families were both raising their pretensions to the sovereignty of the little island, of which the Scotch were actually in possession; and the claims, which they were raising, were not dissimilar from those on which Edward had already adjudicated in the case of Baliol and Bruce. The progress of John de Walbeof's suit is not known; but there is some reason for thinking that, while it was being prosecuted before the Courts, his rival, Sir William de Montacute, Alfrica's son, crossed over to the island and drove out the Scots. The expense of the expedition, however, or some other reason, crippled his resources, and he was forced to mortgage his possession to Anthony de Beck, Bishop of Durham, who, by some sort of mediæval foreclosure, considered the island, on which he held a mortgage, as his own property.

That this "turbulent prelate," as a mediæval writer calls him, held the island for himself is evident from the circumstance that, in the last year of his reign, Edward I. issued a writ summoning him before "us, in order to show what reason he has why we ought not by all means to resume that land into our own hand and right." Possibly the death of Edward afforded De Beck a pretext for disobeying the king's writ. At any rate, he retained possession of the island till his death in 1310 or 1311. Edward II., however, though he was too weak to resist, did not acknowledge De Beck's claim. He successively granted the island to Piers Gaveston, his well-known favourite, Henry de Beaumont, and Gilbert M'Gaskill. The king, in fact, acted as overlord, and as overlord disposed of the island as he chose.[1]

[1] Manx. Soc. Pub., vol. i. pp. 156–164.

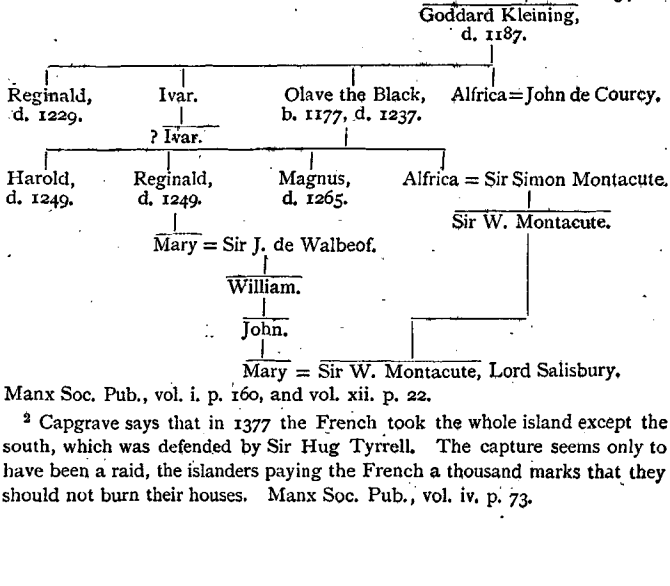
In the meanwhile, however, history was entering into a new chapter. Scotland, subdued by the strong hand of Edward I., found its opportunity under the weak rule of Edward II.; and Bruce, who had succeeded to the Scottish throne, proved himself a champion of very different calibre from Baliol. In 1314 Scotland recovered her independence at Bannockburn. In the preceding year Bruce had sailed to the island, and, after landing at Ramsey and Douglas, entered Derbyhaven and laid siege to Castle Rushen. Manx historians declare that the castle was long and gallantly defended. Whether the resistant was stout or not, the place fell, and with its fall the island again passed under Scottish rule. Bruce razed the fort which he had thus taken, and made his nephew, Lord Moray, who afterwards rose to the Regency of Scotland, governor of the island. For thirty years the Scotch maintained the possession which they had won. Harried, however, by attacks from Ireland and other quarters, the Manx throughout the period could have enjoyed little prosperity.

But the wheel of fortune was bringing fresh changes as it revolved. The strong arm of the third Edward replaced the miserable rule of his father; and in some period between 1335 and 1343, Edward, recollecting the claim of the Montacutes, decided on restoring to them the island which they had mortgaged to Anthony de Beck. The Sir William Montacute who had executed the mortgage seems to have been dead; but his son, another Sir William, who was made Lord Salisbury, represented the rights of his grandmother, Alfrica. This Sir William, moreover, strengthened his claim by marrying the daughter of John de Walbeof, and therefore the successor of the rival claimant.[1] Strong from his descent, stronger still in

[1] I have endeavoured to cast into intelligible shape a story which is very obscure. If my conjecture—for many of the statements in the text

Edward's favour, Montacute crossed over to Man and drove out the Scots. For fifty years he and his descendants remained Lords of Man. But, though the English court recognised Montacute as king, the Scottish court does not seem to have acquiesced in his claim. In 1372 George de Dunbar, Earl of March, was recognised in Scotland as Lord of Man; and in 1389, in a truce concluded between England and France, Montacute, Lord Salisbury, was expressly recognised as King of Man and one of the allies of England, and the Earl of March as King of Man and one of the allies of Scotland.[2] Whatever title Lord Salisbury may have possessed, in 1393 he sold his kingdom, "with the title of king and the right of being crowned with a golden crown, to Sir William

are not much better than conjecture—are correct, the genealogy runs in this way:—



Manx Soc. Pub., vol. i. p. 160, and vol. xii. p. 22.

[2] Capgrave says that in 1377 the French took the whole island except the south, which was defended by Sir Hug Tyrrell. The capture seems only to have been a raid, the islanders paying the French a thousand marks that they should not burn their houses. Manx Soc. Pub., vol. iv. p. 73.

le Scrope, Earl of Wiltshire."[1] Lord Wiltshire, however, took the side of Richard II., and on the accession of the House of Lancaster was attainted and beheaded in 1399; and the island lapsing on his attainder to the crown, Henry re-granted it to Percy, Earl of Northumberland, "to hold by service of carrying on every coronation day of us and our heirs, either by himself in person or by some sufficient and honourable deputy, that sword, naked, which we wore when we arrived at Holderness, called the Lancaster sword." In the troublous times, however, which the House of Lancaster experienced, great noblemen did not long retain the favour of the court. In 1403 Northumberland was attainted and banished; and in 1405 Henry granted the island to Sir John Stanley for life. In 1406 "Sir John delivered up the grant to be cancelled; and the king, in consideration of the surrender, re-granted the island to him, his heirs and successors, in as full and ample a manner as it had been granted to any former king or lord, to be held of the crown of England." This grant was destined to be more enduring than its predecessors, and, with the exception of a short interval during the rebellion, Sir John and his descendants held the sovereignty till it was purchased from the last of them, nearly 360 years afterwards, by the Government of Great Britain.[2]

The island, castle, peel, and lordship, and all the islands and lordships to the said Isle of Man belonging, which do not exceed the value of £400 per annum, were to be had

[1] The traditional ballad says—

"Then Sir William was king of the Isle of Man,
But he thought but little of it,
For he sold it, and bought cattle,
Which was a pity he ever did,
To Lord Scroop he sold it," &c., &c.

—(Train, vol. i. p. 53.)

[2] Train, vol. i. pp. 152, 154.

and held—so the grant ran—by the said John, his heirs and assigns, for the homage, allegiance, and service of rendering to us two falcons on one occasion only, videlicet, immediately after doing homage of the aforesaid kind, and of rendering to our heirs, the kings of England, two falcons on the days of coronation of our said heirs.[1] These falcons were last rendered by the Duke of Athole at the coronation of George IV.

With the accession of the House of Stanley, the Scottish claim to the island seems practically to have ceased. But the memory of the long contest survived. The Tynwald of 1422 passed an Act that "all Scots avoid the land with the next vessel that goeth into Scotland, on pain of forfeiture of their goods and their bodies to prison." Some years later this drastic measure was impliedly repealed by another enactment that "noe Scottishman, Irishman, or any other aliens, be resident in your land of Mann, but if he be sworn to you and your land of Mann;" and these laws remained on the statute book for the best part of three centuries, and were only repealed in 1697.

Though the Scotch maintained an uncertain tenure of the island for more than a century, they have left few traces of their dominion behind them. Yet they are supposed to have given the Manx one thing by which they have ever since been known. For no one who has any knowledge of the island is unacquainted with the "three legs" which are its arms; and it seems established that under the rule of the Scotch these three legs superseded the ship, which had been the constant emblem of its Norse conquerors.

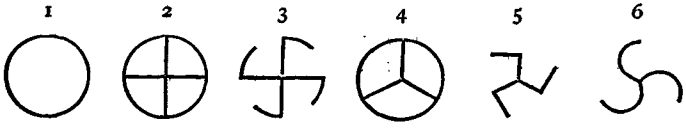
The emblem is the more remarkable, because it was associated in ancient times with another island, Sicily, which was also the scene of Norse conquest. In Sicily, however,

[1] Train, vol. i. p. 180.

the three legs are naked. In Man, since the fifteenth century, they have been always encased in armour.

But the device was familiar to the ancients before it was assumed as the national emblem of Sicily. It appears on the Lycian coins, and was supposed to be emblematic of the name of the conqueror (Harpagus), in whose family the government was settled.[1] Harpagus, by a play on words which was not uncommon, might take the ἁρπάγη or grappling-iron for his standard, and the three prongs of the grappling-iron could easily be developed into the triskele of the Greeks, the triquetra of the Romans, and the three legs.

But the emblem had undoubtedly a still earlier origin, and is usually and apparently with good reason referred to the sun-worship of those who first used it. The sun would naturally, in the first instance, be represented by a circle; one stage further, and the circle would become a wheel with a cross to signify the spokes; the idea of motion would be given by leaving out portions of the circumference; and, if the spokes were reduced from four to three, or if by a further process the spokes themselves were curved, the triskele in its primitive form would be visible. The process would be somewhat as follows:—



Signs such as these were undoubtedly employed both in the East and the North. The third of these rude emblems is known in India as the Suaskita, and among the Northmen as the Fylfot. It was used by the Northmen as the emblem of

[1] Rawlinson's Herodotus, vol. i. p. 250.

their god Thor, while the sixth of these figures was similarly employed by them as the emblem of the sun-god, Frey.

It was not unnatural that such a symbol should be adopted in Sicily as emblematical of the island; for Sicily was Trinacria, the island with three promontories, the three-cornered land, and the triskele became in consequence a natural and suitable emblem of it. It was probably an equally easy matter to turn the three curved lines into three legs. Those, in fact, who have the most rudimentary acquaintance with the history of early art will understand how this was done, and the evolution of the symbol from the rude circle of the early sun-worshippers to the adoption of three legs as the arms of Sicily becomes a sufficiently intelligible story.

But why was this emblem carried to Man, and why, as seems equally certain, was it carried to Man at the end of the thirteenth or at the beginning of the fourteenth century? Mr. Newton is the latest writer who has attempted an elaborate solution of this problem. He thinks that the emblem was borrowed from Sicily, and that it was carried thence by some of the Crusaders who may have touched at that island. "We must not forget that Alexander's mother, a Norman-French princess, married for her second husband the son of the crusading King of Jerusalem. In this way, then, a Scottish king of the thirteenth century might have become acquainted with the arms of Sicily." But Mr. Newton goes on to argue that it is even more likely that he owed his acquaintance with them to Norse influence. The Normans, two centuries before the time of Alexander, had obtained firm footing in the South of Italy. In the time of Alexander monarchs of the Norse race occupied the Sicilian throne. A close intimacy existed between the Northmen of Sicily and the Northmen of England; and Frederick II., the most illustrious of these monarchs, was connected by marriage with the royal family of England.

Nay, after the death of Alexander, the Pope offered the Sicilian throne to a younger son of Henry III., and considerable preparations were made for placing him on the throne. "Banners, no doubt, with the three-legged symbol of Sicily, were duly prepared, and the Prince quartered the Sicilian arms with the royal arms of England."

So far Mr. Newton's theory rings true. It may be fairly conceded that he has made out a tolerable case for the carriage of the three legs to London. But it is one thing to get them to London—it is another thing to take them from London through Edinburgh to Man. Hear, however, Mr. Newton's explanation of this part of the subject. The arrangement between the Pope and the king of England for seating Edmund on the throne of Sicily was signed in 1255. In 1256 Alexander of Scotland and his wife Margaret—Henry III.'s daughter—paid a visit to the English court. There, it may readily be admitted, the chief topic of conversation was Edmund's prospects, while it is equally reasonable to suppose that Alexander took a warm interest in the future of a prince who was his own brother-in-law. It is even possible that his Queen Margaret may have helped the ladies of the court in preparing banners for her brother bearing the well-known triquetra. And Mr. Newton thinks that ten years later, when Alexander won his great victory at Largs, a victory which led indirectly to the cession of the Isle of Man to Scotland, nothing could be "more likely than that the king, when he struck the Norwegian flag, should replace it by one bearing the picturesque and striking device of Sicily, in an island having so many points of resemblance with that of Man, over which his wife's sister had ruled as queen, and her brother had been appointed as king."[1]

Everything in this theory satisfies the inquirer except the

[1] Manx Note-Book, pt. v. p. 7.

conclusion. Why Alexander should have kept his three legs in Edinburgh for at least a dozen years; why he should then have produced them and flung them to a little island which, with due respect to Mr. Newton, has few points of resemblance to Sicily, is not easily explicable. But there is a further difficulty connected with his explanation. There is no doubt that some of the MacLeods also quarter the three legs in their armorial bearings. It is very difficult to see how any of the Macleods can have derived this emblem from the island after the time of Alexander; but it is very easy to see that they may have derived the device thence before Alexander's reign, or drawn it in common with the island from some common source. For the island and the Western Isles of Scotland were one kingdom. Olave the Black, Reginald's legitimate brother, passed many years in the largest of these islands, which Reginald allotted to him; and the arms of the MacLeods must have been familiar to him, as his own arms must have been familiar to the MacLeods.

The fact, then, that some of the MacLeods, as well as the Lords of Man, quarter this quaint device, looks as if the MacLeods had derived it from some old Norse King of the Isles, or that some Norse King of the Isles had borrowed it from the MacLeods; or, as is perhaps more probable, that both had taken it from some Norse chieftain, who perhaps himself had found it in some expedition to Sicily. Recollecting Olave's long residence in the Hebrides, perhaps it is not extravagant to conjecture with Mr. Oswald that Olave himself may have used this device;[1] and, in that event, it seems not altogether improbable that, in the battle which raged round Tynwald Mount at the beginning of the thirteenth century,[2] the followers of Reginald may have fought under the ship; the followers of Olave under the three legs.

[1] Manx Soc. Pub., vol. v. p. 10.

[2] See *ante*, p. 69.

Such conjectures, however, should not be put forward with confidence. The writer of history, on the contrary, will always do well to bear in mind the caution of Schlegel: "Extremely hazardous is the attempt to explain everything, and to supply whatever appears a gap in history; for in this propensity lies the first cause and germ of all those violent and arbitrary hypotheses which perplex and pervert the scenes of history far more than the open avowal of our ignorance or the uncertainty of our knowledge."[1] With this caution, it is better to confess that all we know for certain is that the three legs were used as the emblem of Man in the fourteenth century, that they may probably have come into use in the thirteenth century, and that they were presumably derived from Sicily. Whether Alexander gave them to his Manx subjects, or whether Olave adopted them from some Norse chieftain, it is beyond our capacity to determine.

In the earlier representations which have come down to us the three legs were unarmoured and without spurs, but the armour and spurs seem soon to have been added. The motto which is now connected with the symbol, "Quocunque jeceris (or, as it seems to have originally been written, "gesseris") stabit," was also a later addition. Its meaning has been explained by a local poet:—

"Reader, thou'st seen a falling cat
Light always on his legs so pat;
A shuttlecock will still descend,
Meeting the ground with nether end.
The persevering Manxman thus,
A shuttlecock or pauvre puss,
However through the world he's tost,
However disappointed, crost,
Reverses, losses, fortune's frown,
No chance nor change can keep him down.

[1] Schlegel's Philosophy of History, p. 7.

Upset him any way you will,
Upon his legs you find him still;
For ever active, brisk, and spunkey,
Stabit, jeceris, quocunque."[1]

The difficulty of relating the history of the three legs is increased by the circumstance that the Manx never possessed a coinage till the end of the seventeenth century. Up to that time leather money, which was perhaps a primitive form of paper money, appears to have been in use. In 1668 the then Governor of the island, John Murray, issued a copper coinage, which bore on one side the name of the Governor and the date, and on the other side the three legs and the motto. In 1709, and in later years, the Derbys issued a copper coinage; and this coinage, which is singularly handsome, bears the Derby crest and their motto, "Sans changer," on one face, and the three legs and the Manx motto on the other. Waldron declared of this coinage that the true construction of the one motto was, "Carry me where you will, it won't go or pass," and of the other, "There is no change to be got."

The history of the three legs has, however, led us far from the subject-matter of the present chapter. It has been the object of it to piece together, so far as was possible, the little that is known of the history of the island during the century when Scotch and English contended for its mastery. Throughout it the historian finds little firm ground to tread on. The double conquest of the Montacutes, which is assumed to have taken place, is, it is fair to add, rather inferred than proved. The exact nature of the claims of Mary, the representative of Reginald, and of Alfrica, the representative of Magnus, is open to dispute. The union of the claims in Sir W. Montacute cannot be authoritatively demonstrated. On all these points differences of opinion may fairly be entertained; but the

[1] Manx Soc. Pub., vol. xvii. p. 21.

general course of Manx history is only intelligible on some such theory as that which has been propounded in this chapter. Assuming the various writs of the Edwards to be trustworthy, and they form the best evidence that is procurable, it seems hopeless to devise any other explanation. But from the accession of the House of Stanley the historian reaches a little firmer ground; the written records of the island commence, and Manx statutes are reduced to writing. The history is still obscure, the ground still quakes beneath the student's feet; but here and there, at any rate, he is able to take his stand on some solid piece of evidence, and to survey from this vantage-point the condition of the island.

CHAPTER VI.

THE RULE OF THE TWO FIRST STANLEYS.

DURING the many centuries which had passed from the legendary age of Mananan Beg to the final predominance of the English, the rulers of the little Island of Man had frequently played a great part, but its people can have rarely enjoyed any real prosperity. The island was in turns wasted by the attacks of its enemies and the exactions of its own kings. The blood of its people was shed in expeditions to Ireland or to Western Scotland, in which they had no direct concern, or in civil struggles between rival candidates for its throne, who, whether they succeeded or failed, were equally insensible to the true interests of their subjects. In such circumstances the island became a desolate waste. Its inhabitants, lodged in miserable dwellings, gained a precarious livelihood from the imperfect cultivation of its soil, or from an intermittent prosecution of its fisheries. Trade languished, or rather degenerated into piracy, and the island became—as the first Edward described it, "desolata et multis miseriis occupata."

Such a state of things was fatal to the cause of freedom. The traditions of the Tynwald still survived among the people; the Taxiaxi, or Keys, were still remembered; but it seems probable that for many centuries Tynwalds were held at only distant intervals, and that the Keys were never chosen at all. "Also we give for law"—so the Legislature could declare in 1422, when the Stanleys had already been nearly twenty

years in possession—"that there were never twenty-four Keys in certainty, since they were first that were called Taxiaxi; those were twenty-four free-houlders, viz., eight in the out isles and sixteen in your land of Mann; and that was in King Orrye's days; but since they have not been in certainty." Centuries of misrule had forced the Legislature itself to acknowledge that its own constitution was a thing of doubt.

But while the land decayed, and government forgot its true functions, one class maintained and increased its superiority. The Manx, before their conversion, had been a superstitious people; and ignorant nations do not easily put off the old superstitions when they put on the dress of a new religion. Priestcraft had been the foundation of the old Druidical power: priestcraft was practised by the Christian missionaries, who scattered their cabbals and keeills through every parish in the island. These were the days, be it recollected, when even in large countries the power of Rome was at its height; when men, at the preaching of a Roman monk, repaired in thousands to lay down their lives in a crusade against the Mussulman, or sought to purchase happiness in another world by devoting on their deathbeds their property in this world to the Church. These were the days when a dread of the consequences of ecclesiasticism inspired in England the legislation of a second Henry and a first Edward; and in the little island in the Irish Sea, every Bishop was a Becket, and no ruler had hitherto proved himself a Henry. The Church accordingly was able to grasp the property and devour the substance of the people. Bitterly as they suffered from the foreign expeditions and civil warfare of successive sovereigns, they probably laboured more severely under the grasping exactions of their spiritual chiefs.

The Church had succeeded in obtaining a large portion of the land in its own hands. The barons of Man, in the old

days, seem to have been exclusively composed of ecclesiastics, resident and non-resident. The Bishop, the Abbot of Rushen, the Prioress of Douglas, the Prior of Whithorne in Galloway, the Abbot of Furnace (Furness), the Abbot of Bangor, the Abbot of Saball, the Prior of St. Beade (St. Bees) are mentioned in a statute[1] of 1422 as the Barons of the island.[2] The Abbey of Rushen alone is computed to have possessed 99½ quarterlands, sixty-six mills, and seventy-seven Abbey cottages;[3] and the Abbot's territorial possessions were small compared with his other powers. "The Abbot, in right of his lands, was authorised to hold 'courts leet and baron,' in which his seneschal or steward sat as chief judge. . . . . If an Abbey tenant committed a capital crime, and was committed for the same in the Lord's court, the steward of the Abbey lands could annul the sentence, and challenge the criminal from thence, to have his trial and confiscation in the Abbey court."[4] But the power of the Abbot was less than that of the Bishop. Even in Tudor times, when he had been shorn of much of his authority, the Bishop had a seat in the Council, in the Court of Chancery, and in the Court of Exchequer. But, in addition to these privileges, he had the right of appointing two judges of his own — Vicars-General — who had jurisdiction in all ecclesiastical affairs, and in all matters relating to wills, the administration of the debts of dead persons, the effects of

[1] In addition to the Religious Orders, whose superiors were barons, the Friary of Bymaken had been founded in Kirk Arbory by William de Montacute in 1367. The lands given to the Order did not form a separate manor, but were part of the lands of the manor of Man, which was held by the Lord, and to him was payable in respect of them an annual quit-rent of twenty shillings (Sir J. Gell, in Manx Society Publications, vol. xii. p. 54). The Friary still gives its name to a farm at Arbory, and the ruins of the old building may still be seen there.

[2] Manx Statutes, vol. i. p. 20.

[3] Feltham, Tour in Man, p. 272.

[4] Train, vol. ii. pp. 2, 3.

minors, and alimony. The Vicars-General, though frequently called on to decide the nicest legal questions, were almost always clergymen: they had the power of punishing the slightest offence by imprisonment in the Bishop's or ecclesiastical prison. The Bishop had his own gallows and jurisdiction of life and limb.[1]

In fact, during the frequent absence of the sovereign or his deputy, the Bishop had become the most important personage in the island. Like the other great ecclesiastical dignitaries, he was bound to do homage to the King, and even to hold the King's stirrup when the King mounted at Tynwald.[2] But these occasional functions did not detract from his position or influence. So lately as the middle of the eighteenth century, indeed, no one was allowed to approach the Bishop except on his knees; and the parish clerk was subject to severe punishment if he neglected to ring the bells of the parish church when the Bishop happened to pass through the parish.[3]

The power which Bishop and Church had obtained had been derived from many sovereigns, but was chiefly due to the policy of Olave Kleining and Magnus. The former of these sovereigns had granted the lands on which Rushen Abbey had been built, and with which it had been endowed; the latter had given the Island of Peel, with all its appurtenances, and the village of Killcrast (the parish of Kirk Christ, Lezayre) to the Bishop. Olave, too, had transferred the appointment of the Bishop to "the Church of the Blessed Mary of Furness," and had thus deprived the secular power of all voice in the election of the spiritual lord of the island. Magnus gave the Bishop "all kinds of mines of lead and iron that may be discovered" in the island; and endowed him with authority of life and limb.[4]

[1] Train, pp. 12, 13.
[2] Ibid., vol. ii. p. 15.
[3] Ibid., p. 16.
[4] Manx Soc. Pub., vol. iii. pp. 141-143.

But, if the Church owed much to the gifts of the sovereign, it owed still more to the exactions of its own rulers. The written laws of the island only date from the fifteenth century, but the written laws of the Manx Church carry us back to a period nearly two centuries earlier. Bishop Simon is usually known as the founder of the Cathedral of St. Germans, and the visitors who flock in their tens of thousands to Peel are all familiar with the memorial-stone which has been placed over the remains supposed to be those of this prelate. But the Bishop deserves much more to be remembered for the Synodal Statutes of 1229, which contain about as an elaborate a scheme of taxation as the wit of prelate or statesman ever devised.

By these statutes a fee of thirty-two pence was payable to the Bishop on the proving of each will; the effects of an intestate were directed to be administered by the Bishop or the Vicar-General. The best animal of the deceased was payable to the Church as a funeral due; and, in addition, the Church had the choice of the deceased's clothes, or a fee of three shillings and sixpence. If the man's estate was insufficient for these payments, his garments of every sort were to be taken, and every fifth penny from his free goods; and his executor,[1] when in possession of sufficient effects, was to pay the mortuary, or to forfeit one fifth penny of his free goods. The executor also was to satisfy all claims of the priest, the clerk, and the Church. If a man or woman died without effects, the next of kin were to satisfy priest and clerk.

In addition to this taxation on the dead, Bishop Simon's statutes contained minute regulations for the payment of tithes on grain, on dairy produce, on bullocks, calves, swine, geese, and chickens, and for the taxation of weavers for the benefit

[1] The Gilbogus, or the Gillie Bogus, the servant or representative of the deceased.

of the Church. His successor, Mark, improved this fiscal machinery. Driven from the island by the discontent of the people, he succeeded in getting it placed under an interdict, and on his return, in consideration of the interdict being removed, exacted a fine of one penny from every house with a fireplace. The original fine was probably grievous enough, but the Church succeeded in converting a special fine into a customary grant; for the old Manx chronicle adds that this grant is still made to every succeeding Bishop returning from the Isles.[1]

"From Marcus to Bishop Duncan, who died in 1380," so wrote Mr. Mackenzie,[2] "was the triumphant century of the Papacy in Man. Regal and popular opposition suppressed; . . . clerical synods making forty-five new canons to govern themselves and the laity; tithes extorted from the rectors of parishes, and not only from all natives, but also from aliens at the herring-fishing; twenty shillings extorted as procuration from the churches of Man."[3]

At the time of the accession of the House of Stanley, the Church had the tithe of all corn, hay, lambs, calves, colts, geese, poultry, eggs, fish—whether caught on the coasts or at sea—wool, honey, butter, cheese, and other commodities. The farmer was not allowed to haul corn or hay without notice to the proctor; the parson was permitted to stack the tithe corn in the husbandman's haggard. The Church claimed, in lieu of a tithe on ale, certain "pottles" of ale at each brewing. Most of the tithe was easily collected. Some of it, like the

[1] Manx Soc. Pub., vol. ix. pp. 176–201, and vol. xxii. p. 117.

[2] Ibid., vol. iii. p. 144.

[3] The Manx Chronicle says that Thomas, a Scotchman, who died in 1348, was the first Bishop who "exacted from the churches of Man twenty shillings (*solidos*) for visitation dues;" and "also the first who exacted from the parochial rectors tithes received by them from strangers engaged in the herring-fishing" (Manx Soc. Pub., vol. xxii. p. 119).

tithe on butter and cheese, was more easily evaded. The law required that twenty-four hours' milking should be set apart in every month from May to October.[1] The tithe cheese or butter was to be delivered to the parson in church; and the clergy insisted on its payment on the Sabbath-day, and upon the altar. This "indecent order," as it was called in the seventeenth century, led to "great contentions" between the ministers and proctors on the one part, and the people on the other part, the people being put to their oaths on trivial matters. But there was a still more "indecent and irreverent use by the proctor and clergy when they collect these small tithes and offering-money at Easter; they demand the same at the time when the people are to receive the communion, and sometimes will stop the people from receiving the blessed sacrament because they have not paid these duties."[2]

These, however, were some of the more regular exactions of the Church. All men of occupation (except apprentices), "of whatsoever science they be," were required to pay a tithe of twopence a year. When a man married a woman with goods, the clergy claimed that they ought to have certain moneys of such marriage goods in lieu of tithe. When man or woman having property died, the clergy claimed a corse present of twenty shillings. The executors had further to surrender the best beast or horse the deceased possessed, or to pay a fine of six shillings. The clergy had the option of taking the dead person's best clothes, or three shillings and fourpence in money. When a child died, unable from its years to make a will, his property could not pass to his brothers and sisters without a

[1] Where the farmer made neither butter nor cheese, he was to pay twopence for every milk cow, one penny for every fallow cow, twopence for every eight sheep, and twopence for every four goats (Statutes of the Isle of Man, vol. i, p. 42).

[2] Ibid., p. 97.

fine of three shillings and fourpence to the Church. No one was allowed to make a will without the help of a clergyman. The clergy commonly charged a shilling for writing it. No one could prove a will without paying two shillings and eightpence to the Bishop.[1]

So much for the clergy. The parish clerk, in his turn, had his right to his wages, fourpence on every plough, or, when the parishioner had no plough, one penny on his chimney. He was entitled to a corse present of twenty-one pence on the death of every man, and of seventeen pence on the death of every woman. His silver on the south side of the island was twelve pence, and on the north side fifteen pence. And if man or woman died, and the estate was insufficient to pay the clerk's silver, the next of kin were liable, "because if the party which departed were wealthy and made no will, they should be his executors."[2]

Ecclesiastical discipline was enforced with the utmost rigour, and the clergy had a pecuniary interest in enforcing it. "It hath been accustomed the ordinary to take for every citation sixpence, for every suspension one and sixpence, and for excommunication two and sixpence; and, if the excommunicated will not appear, it hath been used to send for a soldier to bring the offender to the Bishop's prison; also, when any great offence is worthy excommunication, then the ordinary hath been used to take for the excommunication, absolution, and receiving all such persons into the Church again, ten shillings."[3]

These powers were not nugatory. In every parish there were four wardens, whose duty it was to keep order in church and to keep the church fences in repair. In addition to the

[1] Statutes of the Isle of Man, vol. i. pp. 29, 30, 45, 94.
[2] Ibid., vol. i. p. 45.
[3] Ibid., p. 46.

wardens, there were sumners, with a sumner-general at their head, who were the officers of the Consistorial Courts, who collected the tithes, and who were required on Sundays to stand at the church doors during divine service and whip away the dogs. More than three centuries afterwards, when many of these gross abuses had been reformed, Lord Chancellor King declared that, if the ancient discipline of the Church was lost, it might be found in all its purity in the Isle of Man.[1] It may be charitably hoped that Lord Chancellor King had only a superficial acquaintance with the discipline which he was pleased to mark with his approval.

Thus, when the House of Stanley succeeded to the throne of their little kingdom of Man, the striking feature in the island was the weakness of the civil and the strength of the ecclesiastical government. The Church had its written laws; the State could not show a written document. The Church had its synods; the State had suffered its Tynwald to drop into disuse. The Church levied its regular exactions; the State in all probability had no revenue except the rents which the Lord received from his tenants. It was evident that the first functions of any good government were to restore the institutions of the State, and at the same time to curb the intolerable pretensions of the Church.

The first stroke was already prepared. In the fourteenth century the Bishops had been elected by the Abbey of Rushen. In the grants to the Percys and the Stanleys they were expressly given the patronage of the bishopric. This gift was very noteworthy. Selden, writing two centuries later, says that the patronage of a bishopric is such a special mark of royalty in a subject as hath not at this day, nor for divers ages hath had, any [other] example in any territory of the crown of England.[2]

[1] Feltham, Tour in Man, Manx Soc. Pub., vii. 95.

[2] Selden's Titles of Honour, quoted in Manx Soc. Pub., vol. iv. p. 110.

But the transfer of the patronage of the See had a deeper significance. The new rulers could take care that men should be chosen subservient to their authority. It was indispensable for the State, in the contest which it was about to enter upon, that the Church should not be represented by prelates expressly chosen to resist the civil power.

And it so happened that the family to whom the crown had been granted was one identified with the cause of Government and opposed to the pretensions of Rome. Sir John Stanley was one of the foremost persons in the court of Henry IV. His marriage with the heiress of Lathom had increased his influence and wealth, and few men stood higher in their sovereign's estimation. His reputation was so high, however, that he was required for more important work than the government of Man, and, as a matter of fact, he was forced to pass much of his time in Ireland, of which he was three times made Lord Lieutenant. In these circumstances it cannot positively be affirmed that he ever came to the island; but he seems to have chosen as his deputy one Michael Blundell, a man apparently of some originality, since he was the first to reduce the laws which were made to writing.[1]

It was not, however, till after the death of Sir John Stanley in 1413 or 1414, and the accession of his son, another Sir John, that serious steps were taken to remedy the gross evils which resulted from the predominance of the Church and the decay of the civil powers. In 1417 Sir John crossed over to the island, and on his departure left two commissioners—Thurstan de Tyldesley and Roger Haysnap—to whom he delegated his full powers, constituting them auditors to examine all the accounts of "all myn officers, mynestres, and servants,"

[1] "And as to the writing of laws, there was never any written since King Orrye's days, but in the time of Michael Blundell, that we have knowledge of." Statutes, Isle of Man, vol. i. p. 11.

authorising them "to here and to determyn" all manner of treasons, felonyes, and offences, "as well at myn awne sute as at the sute of parties;" and declaring "firm and stabull" whatever they might order or do; and he further commanded his lieutenant, the bishop, the abbots, the deemsters, barons, and all other loyall and true men, to be attendant and obedient to the foresaid Thurstan and Roger, upon the payne that hereto falls. Armed with this commission, Thurstan and Roger summoned the Deemsters and the twenty-four Keys, and made an indenture with them abolishing at one stroke the right of sanctuary. Thenceforward, if any one committed treason, felony, or other offence, and fled from the land of the Lord to the liberties of the barons, he might be required to return to take his trial; and if any of the barons retained the offender on pretext of his or her liberty, or from any other cause whatever, "he shall forfeit to the Lord for every such offence of retention, sixty shillings, and shall answer for the body of the aforesaid transgressor at the prison of the Lord of Man, and this under penalty of forfeiture of all his liberties possessed in Man."[1]

This indenture[2] effectually asserted the superiority of the civil power. The great ecclesiastical barons were deprived by it of the privilege of sheltering transgressors against the Lord. Sir John Stanley, however, thought that he would effect his purpose still better if he did something to impress the people, and he accordingly asked the Deemsters and Keys to lay down

[1] Statutes, Isle of Man, vol. i. p. 3. The indenture is dated 18th January 1417. In modern style it should plainly be 1418. The date of the old year was commonly carried on in official documents till the following Lady Day.

[2] The form which this law takes is remarkable. It is not a statute, but an indenture. The Legislature had so far declined that Roger and Thurstan could hardly appeal to it to declare the law. Instead of doing so, they made an indenture (an agreement) with the heads of the Church.

minute regulations for the conduct of the Lord at Tynwald. Their answer is memorable. The Lord was to come thither in royal array, as a king ought to do. He was to sit upon the Hill of Tynwald on a chair covered with a royal cloth and cushions, with his visage to the east, his sword before him, holden with the point upward. And "the Chief Coroner shall make affence upon paine of life and lyme that noe man shall make any disturbance in the time of Tinwald, or any murmur or rising in the King's presence upon paine of hanging and drawing." The barons who had not already done so were to make their "faith and fealtie;" the commoners were to show their charters how they hold of you; and if any of the barons were out of the land, they were to have the space of forty days, "and to make faith and fealtie, if wind and weather served them, or else to cease their temporalities into your hands."

And these provisions were no empty form. In 1422 Sir John Stanley was again in the island, and held a Tynwald on the Vigil of our Lady St. Mary (24th March) at Castle Rushen, and at Kirk Michael, upon the Hill of Reneurling, in November. The legislation adopted at the first court will be immediately considered. The second court was held in special circumstances. A few weeks before, John Walton, the Lieutenant of the island, had been sitting in court at Kirk Michael, when one Hawley M'Issacke, with others, rose upon Walton to kill him, and "did beat and misuse the Lieutenant's men." Some of M'Issacke's accomplices seem to have declared that they would put down the Lieutenant and the laws of the land; and it may be inferred, therefore, that the rebellion, if the word is not too large for the theatre, was prompted by a dislike of the new rule; that the men who were charged with it had fled for sanctuary to the heart of the Bishop's liberty; and that

they were probably sheltered by the Bishop. At any rate, Stanley decided on proving once for all the strength of the new civil power which he had virtually created. In summoning a Tynwald upon the Hill of Reneurling, he ventured into the neighbourhood of the rising and the territory of the Bishop. He opened the proceedings by compelling the Bishop himself, the Abbot of Rushen, and the Prioress of Douglas, to do him fealty, and by calling on the absentee barons to come in their proper persons within forty days, and, if they come not, to lose all their temporalities;[1] and he then, with the aid of the Deemster, proceeded to try M'Issacke and his accomplices, and adjudged them to be drawn, hanged, beheaded, and quartered; one quarter to be set upon the Castle Tower over the Burne, another quarter at Halland Towne (Holme Town or Peel), the third quarter to be set at Ramsey, and the fourth at Douglas.[2]

These prompt and strong measures proved that the civil power had regained its superiority, and that it was prepared to repress and punish any revolt against its authority. And the same thing was plain from the code of laws which were enacted during the same year. Some of these merely amplified the indenture which had already been concluded abolishing the right of sanctuary; others of them specified the offences which constituted an act of treason; others of them defined the form of outlawry, forbade the return of the outlaw to the island, and prevented the Bishop, Abbot, or other baron from sheltering the outlaw. Others, again, made violence on the King's highway a capital offence; others regulated the payment of rents, and prescribed

[1] There is some reason for thinking that the barony of St. Trinians, belonging to the Abbey of Whithorn, was actually forfeited in this year in consequence of the failure of the Abbot to do fealty. Manx. Soc. Pub., vol. iii. p. 176.

[2] Statutes, Isle of Man, vol. i. pp. 6, 21.

the duties of the King's tenants in providing his garrisons or carrying his turf; others directed watch and ward to be kept through the island, prescribed the arms that the soldier should carry, and forbade the introduction of women into the Lord's castles at Castletown and Peel. But the laws of most significance were those which regulated the government on the one hand, and those which curbed the power of the Church on the other.

On the first point it was now declared that "without the Lord's will none of the twenty-four Keys to be."[1] In other words, the Lord was given a veto on the choice of each Key; and for 440 years after this law was enacted this veto was exercised. On a vacancy occurring in the House, the Keys nominated two men to the Lord or the Lieutenant, and the Lord or the Governor selected one of the two. The Lord thus obtained and exercised authority in the constitution of the lower branch of the Legislature. At the same time the Lieutenant was invested, as the Lord's representative, with the full authority of the Lord. The Council and Deemsters were to aid the Lieutenant in all cases of difficulty. Sworn officers were made liable to a penalty of £3 for revealing the Lord's counsel. They were to "be true principally to the Lord and the laws of the land, to be governed duely and truely betwixt the Lord and his commons, and betwixt party and party, without rigour, fraud, or colour." And the Deemsters were to "give their judgments at their perills, saving ever the Lord's prerogatives."[2] And, in order to settle the law, proceedings

[1] Statutes, Isle of Man, vol. i. p. 11. In 1430, however, six men were chosen by all the commons from each of the six sheadings (ibid., p. 23); and Train assumes that the twenty-four were selected by the Governor out of the thirty-six (vol. i. p. 164). This is the nearest recorded approach to a popular election till 1867.

[2] Ibid., p. 13.

were in future to be reduced to writing by the "Clearke of the Rowles," who was to write all things plain in full letters, that if any like cause come another time, it may be of remembrance in the Treasury.[1] By a subsequent statute, in 1429, trial by combat was abolished, and it was directed that matters be determined by God and the country instead of by prowess.[2]

Still more striking were the restrictions on the Church. By abolishing the right of sanctuary, civil offenders had already been brought under the civil power. By the 31st article of the Code of 1422 clerical offenders were made liable to heavy penalties for offences against the Lord's officers. The sumner, the chief officer of the Church, was to levy the fines; but, if he failed to do so, the Lord's officers were authorised to "goe in and take distresse." At the same time the Bishop and Abbot were forbidden to receive any stranger within their houses without the knowledge of the Lieutenant, and the Abbot from sheltering monk or priest without license from the Lord.

The legislation which has thus shortly been described is remarkable for the courage which inspired it in the age in which it was promulgated, for in 1422 the Church of Rome was still at the height of its power. In England sanctuary still existed; clerical offenders were not liable to be tried by the civil power; monasteries were unreformed; and no one had ventured to interfere with their right to shelter strangers. And yet, in his little kingdom of Man, which had not been

[1] Statutes, Isle of Man, vol. i. p. 18.

[2] The Clerk of the Rolls does not seem to have written this word "full in plain letters," for in 1645 Tynwald declared, "Whereas by the Statute Book, Fol. 4, the word Proves is used, which is not understood by many, it is now declared that the true meaning thereof is that the said word Proves is meant Prowesse or Combate."

vested in his family for a generation, and in which the Church had hitherto exercised a predominant sway, Stanley anticipated the legislation which was only carried in England in later centuries. His laws afford striking evidence that he was both wise and bold, and that he left an enduring mark on the island of which he was the autocratic sovereign.

CHAPTER VII.

TWO CENTURIES OF STANLEY RULE.

FROM the death of the second Sir John Stanley in 1432, the Isle of Man almost disappears from history for a hundred years. Sir John's successors had work to do which diverted their attention from the little island which owed them allegiance. His son, Sir Thomas, the first Lord Stanley, was employed in Ireland and France; and though tradition runs, and Shakespeare has preserved the tradition, that he was directed to take the Duchess of Gloucester, who was alleged to have compassed Henry VI.'s death by witchcraft, and hold her prisoner in the Isle of Man, there is no evidence that Sir Thomas was ever in the island, and there is some little doubt whether the Duchess of Gloucester was ever taken there.[1] Lord Stanley died in

[1] Eleanor, Duchess of Gloucester, was the wife of Humphrey, Duke of Gloucester (who was executed in 1447), one of the younger sons of Henry IV., and therefore uncle of Henry VI. The Duchess was accused of making a waxen image of the King, and, according to the theory of the age, the King was to waste away as the image gradually melted. Her accomplices were sentenced to death.

> "The witch in Smithfield shall be burned to ashes,
> And you three shall be strangled on the gallows."

Then Henry, turning to the Duchess, adds—

> "You, madam, for you are more nobly born,
> Despoiled of your honour in your life,
> Shall, after three days open penance done,
> Live in your country here in banishment,
> With Sir John Stanley in the Isle of Man."
>
> —SHAKESPEARE, *Henry IV.*, Pt. II. Act ii. sc. 3.

As a fact, she appears to have been condemned to imprisonment for life in 1441.

1459. His son and successor was the well-known statesman who turned the tide at Bosworth, and who—married to the mother of Henry VII.—became necessarily one of the foremost personages at the English court. He was raised to the Earldom of Derby in 1485. But he too, occupied with the affairs of England, had little leisure to attend to his kingdom of Man; and, from his accession in 1459 to his death in 1504, he rarely or never visited the island.

On Lord Derby's death in 1504, he was succeeded by his grandson Thomas, the second Earl. At that time Henry VII. had been nearly twenty years on the throne, and was probably a little intolerant of great nobles as subjects who claimed the titles of kings. Lord Derby, at any rate, thought it politic to drop the rank by which his ancestors had been distinguished, and believing that "to be a great lord is a more honourable

(Ellis Letters, 2nd series, i. 107; Devon, Issues of Exchequer, p. 440), to have been sent as far as Chester on her way to the island, but in 1443 taken back to Kenilworth (Rymer's Fœdera, xi. 45). A liberal allowance was given her (Devon, Issues of Exchequer, p. 447). In 1446, when her husband fell into disgrace, her removal to the Isle of Man was again ordered (Nicolas, Proceedings of Privy Council, vi. 51). I owe these references to Professor Ramsay's work on York and Lancaster, &c., vol. ii. p. 35, where, however, the reference to the Ellis Letters is misprinted, vol. ii. There is no actual evidence that the order of 1446 was obeyed; but the tradition in the island is that the Duchess was kept there in captivity for fourteen years. Cf. Oliver's Monumenta, in Manx Soc. Pub., vol. ix. p. 19, where the order of the Privy Council directing the writ for her removal to issue is published. The Mauthe Dhoo, or black dog, which was alleged to haunt Peel Castle, and whose etymology, oddly enough, puzzled Sir Walter Scott (see Preface to Peveril of the Peak), was supposed to be the spectre of the Duchess. Thomas Beauchamp, Earl of Warwick, seems to have been confined in the island under an order of Richard II. The fact of his imprisonment is recorded on his monument in St. Mary's Church, Warwick. Lord Wiltshire was paid £1074 for taking him, and for the support of the said Earl, and also for the costs and expenses of divers Irish hostages in his custody after the King's coming from Ireland. Devon, Issues of Exchequer, p. 271, and see Manx Soc. Pub., vol. xvi. p. 203. See in the same volume, p. 48, "The Lamentable Fall of the Great Duchess of Gloucester," reprinted from the Percy Ballads from the edition of 1659.

title than a petty king,"[1] assumed the title of Lord of Man. Thenceforward, till the revestment in 1765, the Isle of Man had no more kings. Its sovereigns were uniformly styled Lords.

If, however, he abandoned the title of king, Lord Derby did not give up the rights of sovereignty. The people of Galloway, on the adjacent shores of Scotland, seem to have maintained a hereditary feud with the Manx. Lord Derby raised a force, crossed over to Kirkcudbrightshire, and harried the country. As the old Manx ballad said—

> "On Scotchmen he revenged himself,
> And he went over to Kirkcudbright,
> And there made such havoc of houses
> That some of them are yet unroofed."

And the author, who was a contemporary of Lord Derby's, for he wrote—

> "I leave the man who cometh after me
> To praise him as he will find him worth,
> When his crest will be laid in the grave,"

goes on to say—

> "In one thousand five hundred and seven,
> And it was in the month of May,
> He came on shore at Derbyhaven,
> And put a full end to the commotion of the people.
> Such a house as he kept himself,
> For a king, or down to a low degree,
> People near saw for countless years,
> Neither will again in our days."[2]

Thomas, second Earl of Derby, died in 1522. At the time

[1] The expression of the seventh Earl in his letter to his son. Manx Soc. Pub., vol. iii. p. 20.

[2] Train, vol. i. pp. 54, 55. Sir J. Gell (Manx Soc. Pub., vol. xii. p. 33) says it is "by no means certain" whether this Thomas, Lord Derby, ever visited the island. The old ballad, however, seems to make this tolerably plain.

of his death, his eldest son, Edward, was a minor; and during his minority his affairs were left under the guardianship of the Lieutenant-Governor and Bishop of the island, the Archbishop of York, the Chancellor of England, and others.[1] But, though Lord Derby made these careful arrangements for the guardianship of his son, he neglected to make adequate provision for the support of his widow. Lady Derby appealed to Henry VIII. for a dower; but it was held by the King's Council that the Isle of Man, being no part of England, and not being governed by English laws, it was out of their power to interfere in her behalf by granting her a dowry out of the revenue of the island.[2] Lady Derby's claim had thus the effect of obtaining a decision from the highest authority on the judicial independence of the island; and the suit, if of no advantage to herself, affirmed an important constitutional question.

The third Lord Derby enjoyed his high honours for the long period of fifty years. In England he was "so celebrated for magnificence and liberality, that Camden says, 'That with Edward, Earl of Derby's death, the glory of hospitality seemed to fall asleep.'"[3] In his insular kingdom he was less well known. He probably never visited the island at all, or, at any rate, at only distant intervals. But the increasing interest which the Stanleys were taking in its fortunes may be inferred from the circumstance that during much of the period members of Lord Derby's own family and name were its deputies, captains, and lieutenants, for the word governor had not come into general use.

[1] Train, vol. i. p. 170.

[2] The judges in this case went on to affirm that the statutes De Donis, of uses, and wills, nor any other general Act of Parliament, did extend to the Isle of Man; but by special name an Act may extend to it. See Sir J. Gell, Manx Soc. Pub., vol. xii. p. 34, and Appendix, p. 154.

[3] See the extract quoted in Burke's Peerage under Derby.

On Lord Derby's death in 1572, he was succeeded by his son Henry, the fourth Earl, who appears to have visited the island in 1583 and in 1588.[1] This Earl married the granddaughter and co-heiress of Charles, Duke of Suffolk, and his son, Ferdinand, the fifth Earl, who succeeded in 1593, is said to have been urged to claim the throne of England in virtue of his descent from Henry VII.; and, on his refusal, to have been poisoned by those who had instigated him to do so. Whether this be so or not, he died in 1594, in the year following that in which he succeeded to the title. Leaving only three daughters, the baronies of Stanley and Strange fell into abeyance, while the earldom passed to his brother William, who became sixth Earl. Doubts arose as to the succession to the Manx crown; uncle and nieces both urging their claims to it. The question was referred in 1595 to referees appointed by Elizabeth; and, while the reference was going on, Elizabeth took possession of the island, and nominated a governor to it.[2] The dispute was protracted throughout the remaining years of the Queen's reign, and was not concluded until some time after the accession of James I., when it was decided in favour of the fifth Earl's daughters.[3] In the meanwhile, however, these young ladies had married; their husbands had not probably any great desire for a residence in a little island; and accord-

[1] Sir J. Gell says that he visited the island in 1577 and 1583. Manx. Soc. Pub., vol. xii. p. 35. Train, however, gives some reasons for showing he was there in 1588.

[2] During the period, in which Elizabeth resumed possession of the island, she presented to it the remarkable old clock which, a model of simple machinery, still accurately records the time at Castle Rushen. Nine out of every ten visitors to the island are probably more or less well acquainted with it. Perhaps hardly one in every thousand is aware that it illustrates an interesting epoch in Manx history.

[3] Sir J. Gell thinks that the suit was probably purposely protracted till Ferdinand's three daughters came of age. The youngest of them attained her majority in 1609.

ingly an arrangement was made between the uncle and his nieces, under which they surrendered to him their claim to and their interest in the island. Armed with this agreement, the sixth Earl succeeded in obtaining a fresh grant of the island from the King, and a private Act of Parliament assuring and establishing the Isle of Man in himself and his heirs for ever.[1]

These proceedings throw a new light on Manx history. They show conclusively that, in the last resort, the Crown of England was sovereign, and that the Parliament of England could override the local Legislature. The island, indeed, was confirmed in the Stanleys; but it passed to the sixth Earl, not by descent, but by a fresh grant from the King, and the action of Parliament. In the interregnum, from 1595 to 1610, the Crown of England had exercised the rights of sovereignty by the appointment of governors; the courts of England had examined and decided the right of succession to the Manx throne; and finally, the Parliament of England had assured and established the island in the Stanley family. In such circumstances, the island might still claim to be an ancient kingdom; it could no longer claim to be an independent kingdom. It was evidently subject to the English Crown, and liable to be regulated by the English Parliament.

During the hundred and eighty years with which this chapter has been occupied, the Statute Book of the Isle of Man was gradually acquiring shape; and, as the old customary ordinances were reduced to writing, they throw a little light on the circumstances and condition of the island. The laws, however, which were made during the sixteenth century—for during the last seventy years of the fifteenth century the Legis-

[1] 7 Jac. I. c. 10, 5 Geo. III. c. 26; Train, vol. i. pp. 177–183. Royal mines of silver and gold were excluded from the grant, but the Abbey lands were included in it.

lature was nearly silent—must not be supposed to have been framed with any regularity. Some of them are customary laws, or declarations of the common law in Tynwald by Deemsters and Keys; others of them are spiritual laws, which appear usually to have taken the form of an agreement between the heads of the Church and the representatives of the civil power; while others again are ordinances issued by the Lord, or framed by commissioners appointed by him.

During the first portion of the period the Church regained some portion of the power of which it had been deprived under the second of the Stanleys. In 1458, indeed, the Pope ventured on taking the appointment of the Bishop into his own hands, and of uniting the See to the province of York.[1] But in 1532 a check was placed on the pretensions of the Church by an indenture concluded between the Bishop and clergy on the one part, and two men from each sheading on the other part, and confirmed by commissioners appointed by Lord Derby, which was avowedly intended to terminate the "variance and discord [which] hath risen between the said Bishop and Clergie, and all other the temporall inhabitants of the said Isle and Commonalty, for and upon the taking of corse presents, and other exactions and wrongs which the said Commonalty alledgeth the Spiritualtie of the said Isle did unto them." The payments to which the clergy were entitled were accordingly reduced to writing; the recompense for brewing ale and the tithe on marriage goods were abolished, and the charge for proving a will was reduced to fourpence.[2] In this way and to this extent an effectual check was placed on the future exactions of the Church. But a still greater blow to ecclesiasticism was at the same time given by the progress of the Reformation in England. The island silently adopted

[1] The Pope's Bull will be found in Manx Soc. Pub., vol. iii. p. 189.

[2] Statutes of Isle of Man, vol. i. p. 29.

the tenets of the new religion, and the monasteries were dissolved by the authority of the Lord, without the intervention of the Legislature.[1] Such action had, of course, the greatest significance. In England the dissolution of the monasteries had given the lay peers numerical predominance in the House of Lords. In the island their dissolution left the Bishop the only remaining baron. The Lord at Tynwald was no longer surrounded with half-a-dozen barons whose powers must have been inconveniently great, and he thenceforward replaced them with officers of his own household, who, owing their appointment to him, were naturally inclined to safeguard his interests.

Though the tenets of the Reformation were silently adopted in the island, before the close of the century the Tynwald interfered in the interests of the reformed faith. The moment of its interference was significant; it was at Midsummer, 1594, almost at the moment, therefore, when Elizabeth was practically taking the sovereignty into her own hands. The manner of interference was hardly less striking than the occasion—for it was evidently inspired by the crown—the Governor (or Captain) handing in his orders, by which he availed himself of the machinery, which the Church of Rome had instituted, to put down the practices which the Church of Rome favoured. He directed the Vicars-General to impanel in the several sheadings jurors to inquire into all offences committed against the spiritual laws; but these jurors were to be specially instructed—

[1] The statute of Henry VIII. suppressing the monasteries did not extend to the Isle of Man; and Sir J. Gell says, "The only conclusion to which we can come is that the Manx religious houses were suppressed or dissolved, not by force of any statute or law, but simply by an act of power on the part of the sovereign of England. This dissolution was not completed until the reign of Elizabeth, Rushen Abbey being the last monastery dissolved in these kingdoms." Manx Soc. Pub., vol. xii. p. 57.

That they take order, the Queen's Majestie's injunctions be read in their churches;

That they inquire and present if there be any in the Isle do use witchcraft and sorcerie;

That they inquire of and present all adulterers, fornicators, blaspheamers, drunkards, and such like;

That they inquire of and present all such as carry bells or banners before the dead, or pray upon the graves of the dead;

That they inquire of and present all such as keep any markett upon the Sabboth-day, or otherwise profane the same;

That they inquire of and present if there be any person or persons within this Isle, that refuse to come to the church to hear divine service or to receive the blessed Sacrament of the Lord's Supper.

The hand that drew these articles was evidently guided by a Puritan head, and the writer had no objection to make the island an unpleasant residence for those who did not accept the Puritan creed; and this policy, it is worth observing, was indirectly confirmed by the Legislature in 1610, when, "by general consent of the Lieutenant, Officers, Deemsters, and twenty-four Keys, it was enacted that the children of all ecclesiastical persons in this Isle begotten in marriage shall be and continue legitimate and inheritable, to all intents and purposes, in such sort as children of lay persons be within this Isle."[1]

While the power of the Church was slowly but surely declining and the growth of Puritan principles was preparing the way for the spread of Nonconformity 150 years afterwards, the influence and authority of the Lord was becoming more marked, and his privileges were confirmed and ratified by statute. A

[1] Statutes, Isle of Man, vol. i. p. 72.

large proportion of the statute book is, in fact, occupied with legislation of this character. The whole of the statutes, for instance, passed in the period with which this chapter is concerned are comprised in thirty-four pages of the statute book, and six of these are mainly occupied with minute regulations for the Lord's household and garrisons. These orders, intended to remedy the great waste that had previously taken place, regulated the amount of bread, beer, beef, candles, fuel, and fodder which every one was to receive, from the captain to the watchman; and these commodities were supplied to the garrisons either "at the Lord his price" or gratuitously. For in 1593, in some orders set down by Ferdinand, Lord Derby, and subsequently confirmed by the Council and Keys, it was directed that "whereas heretofore every quarter of land hath been accustomed to pay every yeare a beefe into the Castle and Peele, which is above 600 beeves a yeare, it is my desire that 100 of the poor sort shall be spared every year at the discretion of my Captaine and the rest of my chief officers, and so to pay yearly 500 beeves, if the country like well of this my order." [1]

Purveyance, which thus took the substantial form of a contribution of a bullock and a half a day, was only one of the Lord's prerogatives. In the same year, in which he issued an order for regulating the household and garrisons, Lord Derby, imitating, it must be confessed, the example of Queen Elizabeth, issued a book of rates, or an elaborate table of custom duties.[2] Few things thenceforward could be brought into or taken out of the island without paying toll to the Lord. And customs duties were not the sole prerogative of the Lord in trade. By an old custom, reduced to writing in 1523, the merchant trading to the island was to appear personally before the Lord or his deputy to show him what his loading was, and to tell him news from whence he came. The Lord, moreover,

[1] Statutes, Isle of Man, vol. i. p. 64.

[2] Ibid., p. 37.

was to have a preference in all dealings with the merchant stranger. His stewards were "to take up what they shall think needful for the houses," and "my Lord shall have what his necessity and pleasure is before any man. No man is to have choice wine but my Lord, the Captaine, Bishopp, Abbott, or Archdeacon, and to drink it of free cost, or els to have none, saving my Lord."[1]

In similar fashion, and, in accordance with the practice of larger countries, wrecks were to be sold for the Lord's profit. Treasure-trove was his property.[2] Felons' goods, such as oxen and kyne, horses and mayres, "belong to our Lord by his royalty." The goats, however, of felons were declared to belong to the Queen of the land.[3] The Lord, moreover, had the right to free carriage for his turf,[4] and large rights of sporting and forestry. In 1570 his forest rights were defined in fashion and language so quaint as to be worth quoting. Complaint, it seems, had been made to the Captain by some of the people that Robert Lassall, now forester, did clip their sheep unlawfully within the fells. Whereupon the Captain did demand the law of the Deemsters, and the Deemsters did request the Captain that they might have the advice of the twenty-four antientest men in this Isle, according to the old custom in such cases. The Deemsters, on the request being granted, did not have recourse to the Keys. Possibly there were no Keys to have recourse to; but they proceeded to impanel a jury of twenty-four, "which, being sworn on the Evangelists, do say as hereinafter followeth:—

"First, we find by virtue of our oaths that the forester ought to go forth on St. Columme's Eve, and to ride to the highest hill-top in the Isle of Man, and there to blow his horne thrice; the same done, thenafter to range and view the forest.

[1] Statutes, Isle of Man, vol. i. pp. 27, 28.
[2] Ibid., pp. 36, 60.
[3] Ibid., p. 25.
[4] Ibid., p. 5.

And on the third day to go forth, and take such company with him as he shall think like, to see what sheep he finds unshorn. And, if he finds any unshorn, he ought to take them with his dog, if the said sheep be not milk sheep, to sheare them, and to take the fleece to his own use, and to put a privy mark on the same sheep, to the intent that, if any such sheep be found the next yeare by the said forester, he to certify the comptroller and receiver of the same, that they may be recorded in the court bookes, and so sold to the Lord his most profitt."[1]

In other words, any farmer pasturing his sheep on the forest, who neglected to shear them before the 11th June, forfeited their fleeces to the forester, and ran the risk a year afterwards of forfeiting the sheep to the Lord.

But the Lord's chief privileges were vested in him not as sovereign but as landowner. Goddard Crovan's settlement, it must be recollected, had made the whole of his subjects tenants at will. The fact, however, lost much of its significance from the circumstance that the chief difficulty was to find tenants for the Lord's land. In consequence, at a very early period, any one leaving the island without a special license was made guilty of felony,[2] while a little later the tenants were compelled by statute to manure and occupy their land, so that, even if the fishing failed, they might be able to pay their rent with their corn.[3] While at a still later date, the husbandman's son "was declared to be my Lord his honour's treasure, for that he is to be a tenant."[4] With the same object of ensuring that the

[1] Statutes, Isle of Man, vol. i. p. 26. The forester's office was only abolished in 1860. St. Columb's Day is the 9th June. The law which has been quoted in the text remained in force till 1748, when the 21st June was substituted for the 11th June. This concession to the farmer could not, however, have made much difference, as by the alteration of the calendar in 1752, the new 21st June was practically the same as the old 10th June.

[2] Statutes, Isle of Man, vol. i. p. 5. [3] Ibid., p. 14. [4] Ibid., p. 51.

land should always be kept in cultivation, if any of the Lord's tenants complained that he was without servants, the Deemster was to impanel a jury in every parish, who were to discover vagrant servants, and apportion them to the various tenants, the largest tenants being first served; and, in case there were no servants available, the smaller tenants were to serve the larger tenants "rather than the Lord his land fall to decay."[1] In the same way, again, the export of corn was strictly prohibited, unless its sale proved impossible in the local market;[2] but the tenant otherwise unable to pay his rent was authorised to export corn.[3]

While legislation during the fifteenth and sixteenth centuries was restricting the privileges of the Church and confirming the prerogatives of the Lord, it was doing little for the people generally. The whole spirit of the law, in fact, assumed that the people existed for the Lord, not the Lord for the people. On this principle the whole community were liable to serve in what was known as "watch and ward." "Watch and ward," ran an old statute of 1417, "shall be kept through your said land upon pain of lyfe and lyme; for whosoever fails any night in his ward forfeiteth a wether to the warden; and to the warden the seacond night a cowe; and the third night lyfe and lyme to the lord."[4] And by the same statute the Lord, in any emergency, was entitled to raise a levy *en masse*. "All manner of men within your said land to be ready at your calling upon paine of lyfe and lyme." This old statute was carefully elaborated in 1594. The date probably accounts for the new law; for the Armada had but recently threatened the coasts of the British Islands; and tradition goes that one at least of the retreating vessels had not accompanied her consorts in their flight round the coast of Ireland, but, penetrating between

[1] Statutes, Isle of Man, p. 55.
[2] Ibid,, vol. i. p. 66.
[3] Ibid., p. 63.
[4] Ibid., p. 4.

Scotland and Ireland, had been lost on the south-east of the island. The high cliffs which rise perpendicularly at this point from the sea are said to owe their name of Spanish Head to the circumstance. Possibly warned by the danger with which it had so recently been threatened, Tynwald resolved on the following elaborate regulations: [1]—

1. "Whereas the safe keeping of this Isle consisteth in the dutifull and carefull observance of watch and ward, without which the Lord can never be well defended nor the people live in safety: therefore be it ordained that all watch and ward be kept according to the strict order of law, and that none be sent thither but such as are of discretion, and able to deserve to be carefull; and that the night-watch shall come at sun-set-ing and not depart before the sun-rising, and that the day watch shall come at the sun-rising and not depart before the sun-setting.

2. "That, upon warning given, every one be able to encounter the enemy upon pain of forfeiting life, body, and goods.

3. "That whosoever absenteth himself from the muster shall be punished by fine and imprisonment, unless he be letted with sickness or such-like lawful excuse."

And in propounding these laws in Tynwald, Randolph Stanley, the governor of the island, asked the Deemsters and Keys to resolve certain doubtful points. For instance:—

"I pray you certify me what punishment your laws impose upon the wardens of the watch if they do not nightly see the watches sett at the hours appointed."

And Deemsters and Keys replied:—

"If the wardens do not their duty according to the Captain's directions, they are to be punished at his discretion." [2]

[1] Statutes, Isle of Man, p. 65.

[2] A warden of the watch was appointed by the Governor for each parish. A copy of the commission given to him is printed by Mr. Arthur Moore in Manx

And these laws were no empty formula; for Blundell, writing in the middle of the succeeding century,[1] said:—

"Besides the continual watches kept in every of the four towns, castles, and forts on each side of the island, there are in several places watch and ward continually, very strictly to discover y^e^ approach of any ship, especially of any burden or bulk, unto any part of the island, and unto whatsoever part they do observe them to steer their course. Thither presently are all the Manksmen of y^t^ part or quarter bound to repair unto in arms upon pain of life and limb. On the west side of the Island are the hills called the Watch Hills, commonly called the Ware Hills, which are about the upper part of Kirk Kirberry (Arbory), very convenient for discovery of any ships approaching from the west between Ireland and this Island. But, from what part soever they come, they are perfectly descried from the top of the highest of these hills, which they call Sceaful (Snaefell). On this hill watch and ward is kept continually the day and night, winter and summer, and, if any danger doth appear in any part, the beacon is set on fire immediately. The laws of watching and warding, as they call it, are very severe and rigorously put in execution; for, if any danger be discovered against any part of the island, and any that do slow or make default, it is loss of life, yea, in their customary watches in any of their towns, altho' no danger is apparent or then feared. . . . . But, besides the seventeen

Surnames and Place-Names, p. 183. Watch and ward was not finally discontinued until after 1815.

[1] Manx. Soc. Pub., vol. xxv. p. 95. Chaloner's estimate of the population in this extract is certainly extravagant. Nearly eighty years afterwards Bishop Wilson, after careful inquiry, placed the population of the island at only 13,971 souls. Assuming that there had been no increase in the interval, there could not at that time have been more than 7000 males. This, according to modern ideas of life, would have given about 2800 males between the ages of fifteen and sixty-five. For Bishop Wilson's Estimate, see Keble's Life of Wilson, p. 125.

parishes, do each parish every week thro'out the whole year muster, train, and have their arms. Every parish hath his captain, under whom are disciplined, listed, and armed, such as are meet for the war, of whom, saith Mr. Chaloner, they have about 1500 ready upon any occasion, and in case of necessity they might arm 5000 or 6000 men."

Watch and ward have left their permanent mark on the names of the island. Every tourist knows the high hill which rises precipitously from the coast on the south-west, and bears the picturesque name of Cronk-ny-Irey Lhaa. But perhaps few tourists are aware that a comparatively low hill on the north-east, not far from the northern extremity of the island, has the same name. Cronk-ny-Irey-Lhaa or Cronk-ny-Arrey-Lhaa (as it is spelt by Mr. Arthur Moore) is the Hill of the Day Watch. Every tourist, again, knows the two high mountains, North Barrule and South Barrule, which are such conspicuous points in the northern and southern parts of the island. But South Barrule was originally known as Ward Fell, and the name Warfield is still applied to a portion of it; and Barrule and Warfield, Professor Rhys tells us, "can be shown to be two forms of one and the same Norse name, Vörðfjall, meaning Beaconfell."[1] Vörðfjal went through what the Professor calls a series of changes, becoming Varfl, Varrul, and finally Barrule.

North of South Barrule, and between that mountain and the range of which Snaefell is the centre, is some high land, which has lately been planted, and which is still called Archallagan, the high little hearth; and this hill, there is authority for saying, was also a watch hill.[2] The beacon on Archallagan may probably have served as the connecting link between the signals on the north and those on the south of the island. The

[1] Preface to Manx Surnames and Place-Names, p. vi.
[2] Manx Surnames and Place-Names, p. 183.

imagination can easily complete the picture, and conjecture how the watch on Cronk-ny-Irey-Lhaa may have espied on some dark night an approaching sail; how the fiery signal may have blazed from its top and been answered by South Barrule; how, as the flame went up from South Barrule, the beacon may have been kindled on Archallagan; how the light on Archallagan may have been responded to by Snaefell; and how Snaefell may have conveyed the message to North Barrule, and that other Cronk-ny-Irey-Lhaa on the extreme north of the Island. Then, as hill-top after hill-top was ablaze with flame, the men of every parish would hurriedly seize their weapons and repair to the trysting-place—

> "And broader still became the blaze, and louder still the din,
> As fast from every village round the horse came spurring in."

The men who answered to the muster were bound to come armed. Each of the Lord's tenants was required to provide himself with arms, and these arms passed from father to son as corbes or heirlooms.[1] They consisted of bow and arrows, sword and buckler. The men thus armed were placed in each parish under the command of a captain; and, though watch and ward have disappeared amidst the uncongenial surroundings of the nineteenth century, the captain still receives his commission from the Governor, and is still theoretically in command of the men of the parish.

[1] By an Act of 1748 housekeepers within the isle, being Protestants, were allowed "to keep a firelock, as well for the protection of their own houses and families, as for the service and defence of their country upon all emergent occasions, provided they always keep them clean and in good order." And Tynwald added: "The said arms shall go and descend to their heirs and assigns in place of the ancient weapons of war called corbes" (Statutes, Isle of Man, i. 255). A man's corbes, by an Act of 1499, were, "if his father have a pann, his son to have it, els his best pott, a jack and a sallett, bowes and arrows, sword and buckler," &c. (ibid., p. 7); and these corbes were inalienable, for "if in case any do bequeath a corbe or hyreloome for a legacy, the same shall not be given, but the value thereof with discretion "(ibid., p. 45).

While the Legislature was thus confirming the privileges of the Lord and providing for the defence of the Island, it did little for the unhappy people, who drew a precarious subsistence from the fruits of the earth and the harvest of the sea. But some quaint customs were recorded in the statute book which it is worth mentioning before this chapter is concluded. Various statutes forbade any one to leave the island without the Lord's license, and this rule was continued well into the nineteenth century. Scotchmen, Irishmen, and other aliens were excluded from the Island unless they were sworn to the Lord and the land.[1] Irishwomen loitering and not working were to be commanded forth of the said Isle with as much convenient speed as may be;[2] and no woman was to come within any of the Lord's houses without special warrant from the Lord.[3] In other respects the law was not unjust to women. By a very old law the wife was entitled on her husband's death to one-half of his goods;[4] and in 1577 these goods were defined to comprise real as well as personal estate, including one-half the tenement which she occupied during her widowhood.[5] The right, however, of the husband to the wife's property, or the wife's to the husband's, did not accrue till one year after marriage;[6] and, in the case of her misbehaviour, the wife forfeited her right to her own share, as her receiving it in such circumstances was declared to be "against the lawes of God and good government of that his Honour's Isle."[7] Similarly, if a woman was guilty of felony, the husband was entitled to forsake her. If he failed to do so, and concealed her deeds, he was to stand as deep in the law as the woman. A woman's

[1] Manx Surnames and Place-Names, p. 22.
[2] Ibid., p. 37.
[3] Ibid., p. 12.
[4] Ibid., p. 40.
[5] Ibid., p. 47.
[6] Ibid., p. 41.
[7] Ibid., p. 63.

share of the estate, however, was not forfeited on her husband's conviction for felony.[1]

The marriage law of the island was and still is a compromise between the English and Scottish laws. The marriage of the parents within a year or two after its birth made the child legitimate, provided the mother "was never slandered nor defamed with any man before."[2] But, though the law was thus lenient to the children, it had no mercy for the parents. The man and woman who were guilty of what Bishop Wilson, centuries after, used to call prenuptial inchastity, were "to be brought by the coroner to the whipping-stock in the tyme of open market, and there each of them to receive six—and to be fyned besides uppon discrecon."[3]

The natural son had no right of inheritance, unless property was specially bequeathed to him by will.[4] The legitimate child succeeded as a matter of course, and could not be deprived of his share of his parents' property unless a specific bequest of at least sixpence was made to him. But "if there be any man or woman that mislikes their children's behaviour," the law allowed them to cut the child off with a sixpence.[5] Children attained the age of puberty at fourteen years,[6] the age which was also prescribed in other Celtic countries. The father was bound to maintain the children up to that age, when, if he liked them not, he might turn them off, giving them "their mother's child's part of goods."[7]

Outrage on a woman was punishable by death; but, if the woman was a maid, the punishment was left to herself. For the Deemster was "to give her a rope, a sword, and a ring," and she was to have "her choice to hang him with the rope,

1 Manx Surnames and Place-Names, p. 25.
2 Statutes, Isle of Man, p. 55.
3 Ibid., p. 73.
4 Ibid., p. 51.
5 Ibid., p. 47.
6 Ibid., pp. 41, 51.
7 Ibid., p. 28.

to cut off his head with the sword, or marry him with the ring."[1] Tradition says that in every case but one the woman was lenient and preferred the ring. In one case she chose the rope; but, when the man was strung up she relented, and had him cut down and offered him the ring. The man was ungallant enough to plead that he had already been punished, and that no one could be punished twice for the same offence, and the plea was sustained.

Laws such as these help us to infer what sort of place the Isle of Man must have been in the days when the Stanleys held it under the Houses of Lancaster, York, and Tudor. For the ordinary Manxman, it could not have been a comfortable place to dwell in. The exactions of the Church and the prerogatives of the sovereign must have pressed severely on his occupation and his industry. He was, in fact, but little better than the chattel of the Lord; and, on the distant occasions when Tynwald was assembled, the Legislature showed more alacrity in confirming the privileges of an absentee sovereign than in redressing the grievances of an impoverished people. Yet it is fair to recollect that the laws which were thus enacted were passed in Tudor times, and that the Tudor days in England are memorable for the autocracy of the sovereign and the dependence, or even misfortunes, of the people. In some respects, the Manx had an advantage over their English and Irish neighbours. No such massacres desolated the island as those which were unhappily witnessed in subject Ireland. Douglas and Castletown saw none of those grim fires which accompanied the alternate victories of Papist and Protestant in predominant England. Except for the duties to his Lord, his Church, and his country, the Manxman enjoyed comparative liberty. The soil brought him the little which was necessary for his frugal existence, and the rich

[1] Statutes, Isle of Man, p. 55.

though fluctuating harvest of the sea supplemented the food which he drew from the land. The laws, too, which forbade his removal from the island, could not have had much terror for a people who took naturally to a seafaring life, and who could assure their escape by a few hours' voyage from the decrees of the Stanleys and the echoes of Tynwald. And thus the little island after a rude fashion flourished. The Stanleys had at least brought it peace; and peace may atone for worse evils than an absentee sovereign, a grasping Church, and a feeble Legislature.

CHAPTER VIII.

THE GREAT EARL OF DERBY.

THE Act, which confirmed the sale of the island by Ferdinand's daughters to their uncle, vested it in perpetuity in William, Lord Derby, his wife Elizabeth (or the survivor), and their son James, Lord Strange, and his right heirs. Lord Derby, however, resigned his interest in the island to Lord Strange in 1637, five years before his death, and from that year Lord Strange—whom the Manx know as the great Earl of Derby—became Lord of Man.

For some years before 1637, Earl William[1] seems to have

[1] There is some mystery attaching to this William, Lord Derby. Seacome (History, House of Stanley, p. 65) says that he had been abroad for many years before the death of his brother, Earl Ferdinand, in 1595 (? 1594), and that, on his return to England after his brother's decease, few persons could identify him. "This story," writes Sir James Gell (Manx Soc. Pub., vol. xii. pp. 75, 76), "seems to be more strange than true, as Earl William (when he was the Honourable William Stanley) was governor of the island from 1592 to 1594. If at any time his identity became a difficulty, the probability is that it was subsequently to his being confirmed in the Lordship of Man; for, strange to say, it does not appear (so far as I have been able to search the insular records) that he ever did any act as Lord of the island, either solely or in conjunction with his wife; but from 1612 to 1627 the island appears to have been ruled by the Countess Elizabeth alone. It is presumed that the Countess Elizabeth died in 1626 or 1627, as in the latter year, James, Lord Strange, son of Earl William and of the Countess Elizabeth, assumed the rule of the island, though Earl William lived until the 29th September 1641." This Countess Elizabeth was the daughter of Edward Vere, Earl of Oxford. Her son James was summoned to Parliament in 1627 as Baron Strange, under an impression that such a barony was enjoyed by his father; that, however, not being the case, the summons amounted to the creation of a new peerage, which eventually devolved upon the ducal House of Atholl (Burke's Peerage).

paid little attention to his insular kingdom. Orders, indeed, were issued in 1609 and 1610, presumably by his authority, regulating the rate of wages, regulating the herring-fishery, and regulating the garrisons. But in 1613 the Government appears to have been carried on in Lady Derby's name, since she framed a statute, which was promulgated in that year, prescribing the dues to be paid by fishermen; and from 1627 Lord Strange conducted the government in person.

In that year, one Edward Christian, who was to become famous both in Manx history and in English literature, was appointed Governor; and Lord Strange, writing years afterwards to his son, admitted that the appointment was his own making. "I was newly got acquainted with Captain Christian, whom I observed soon to have abilities enough to do me service. . . . I was told he had already made himself a fortune in the Indies; that he was a Manxman born; but, which took most with me, that when he offered his service it was on these terms, that . . . he would be contented to hold the staff[1] until I chose another, which most willingly he would then resign without repine. . . . For the pay he so little valued that, as he would be content to do service without any, or as little of it as it pleased me. . . . He is excellent good company, as rude as a sea-captain should be, but refined as one that had civilised himself half a year at court, where he served the Duke of Buckingham."

And for some years Edward Christian fulfilled his Lord's expectations. "He pleased me very well, and had a quality

[1] The "staff" was the common term for the Government. The highest Court of Appeal in the island, in which the Governor always sits in person, is "the Staff of Government," or the Staff of Government Division of the High Court; and the Governor, when he is sworn in, holds a staff in his right hand, and swears "truly and uprightly (to) deal between our Sovereign Lady the Queen and her subjects within this isle, and as indifferently between party and party as this staff now standeth, so far as in me lyeth." See the oath in Manx Soc. Pub., vol. xix. p. 36.

of the best servant, that what I directed him to do, if it succeeded ill, he would take upon himself, and what happened well would give me the glory of it."

But he had one fault. "He was ever forward to make me many requests, which, while they were fit for me to grant, I did never deny him. . . . But I observed that the more I gave, the more he asked. . . . So as after a while I sometimes did refuse him. And it was sure to fall out, according to the old observation, that when a prince hath given all, and the favourite can desire no more, they both grow weary with one another."[1]

So it happened that Edward Christian was removed, and in 1640 Lord Strange made Captain Greenhalgh[2] Governor.

His reasons for this appointment were again explained to his son.

"First, he is a gentleman born, and such will usually scorn to do a base act.

"His ancestors have dwelt in my house, as the best, if not all the good families in Lancashire have done. This certainly might breed a desire in the man that the house where his predecessors have served might still flourish.

"He hath a good estate of his own, and therefore need not borrow of another, which hath heretofore been a fault in this country. For that Governors who have wanted were forced to be beholden unto those that, may be, were the parties most offending against Lord and country. The borrower becomes servant to the lender.

"He was a deputy-lieutenant and justice of the peace in this country; in which places he did his king and country good service; and with good reputation.

[1] Manx Soc. Pub., vol. iii. pp. 39–40.

[2] There is a short memoir of Captain Greenhalgh in Manx Soc. Pub., vol. xxx.

"He governed his own affairs well; he was, therefore, much more likely to do mine so.

"He hath been approved valiant, and is therefore fitter for your trust.

"He is such, that I thank God for him, and I charge you love and cherish him."[1]

In the meanwhile, affairs in England were rapidly reaching an acute crisis. Lord Derby was among the most strenuous supporters of Charles I. He joined the King at York in 1642; he raised, at his own charge, a considerable force in support of the royal cause. But his efforts, strangely enough, were received with coldness at Whitehall. The men who surrounded Charles were always already to hint that Lord Derby, like the King, was descended from Henry VII.; and Charles, faithless himself, was easily induced to distrust the man whose birth placed him inconveniently near the throne. But Lord Derby's conduct gave no cause for these suspicions. When his own efforts were received with coldness, and when mismanagement flung the county of Lancashire into the cause of the Parliament, he was ready to lay the blame on others, and not on the King.

"Meanwhile," to use his own words, "I received letters from the Isle of Man intimating the great danger there, for that the people had begun the fashion of England in murmuring, and by some damned spirit had been taught the same lessons as I have known in London—to come in tumultuous manners desiring new laws—a change of the old—that they would have no bishops, pay no tithes to the clergy. They despised authority, and rescued some committed by the Governor for such insolent behaviour, and the like. It was also feared that they had discovered themselves thus far, thereby to invite some strangers into the island. It was

[1] Manx Soc. Pub., vol. iii. p. 16.

bruited also that a ship-of-war I then had for the defence of the isle was taken by Parliament ships, which proved true. All these considered, it behoved me to prevent the mischief betimes both for his Majesty' service and mine own good."

And so, leaving his heroic wife to defend as best she could Lathom House, Lord Derby in 1643 crossed over to the Island, landing in it probably for the first time.

The country he found better than he had been told. "For which I blame myself that I formerly inquired so little of it." But the people were of "many different humours." Some unaffectedly glad to see their Lord, others only pretending gladness. Captain Greenhalgh had in the interval before Lord Derby's arrival managed to maintain "authority and to awe the people with the same, which he did not in any threatening manner, for so it might have occasioned the people, in that mad mood, to oppose the same by some daring deeds or words." [1]

Trained in the atmosphere of Stuart England, and regarding the Stuarts as the best of sovereigns, Lord Derby knew how to hide a hand of iron in a glove of silk. "When first I came among the people, I seemed affable and kind to all, so I offended none. For taking off your hat, a good word, a smile, or the like, will cost you nothing, but may gain you much." [2] And he took perhaps the wisest course which was open to him. He appointed "a meeting in the heart of the country, wishing every man freely to tell his grievance; that I would hear all complaints and give remedy the best I could." The meeting was adjourned to Castle Rushen, "a strong place, where a few days before I entertained into the garrison some soldiers (whom I brought with me out of England) and some commanders (who kept me company that day), though without any sign of the least apprehension of the people. . . . Each

[1] Manx Soc. Pub., vol. iii. p. 17. [2] Ibid., p 33.

parish gave me a petition of their several grievances, and I gave them a few good words, promising to take them into consideration, and they parted fairly."[1] Fair words were the only results of this assembly. Another meeting was fixed for the 18th July at the Lord's other chief residence, "Castle Peel, where I expected some wrangling, and had it. I provided there also for my own safety, and, if occasion were, to curb the rest." But Lord Derby did more than provide for his own safety at Peel. "Before the day of the meeting I provided me of some informers, who unsuspectedly might mingle with the people, thereby discovering beforehand the motions they would make me, their champions they relied on, and what likeliest might best content them."[2] The grievances of which the people complained were twofold in their character. The first related to the exactions of the Church, which had been only imperfectly remedied by the legislation of the previous centuries; the second to the tenure of land, which, since the time of Goddard Crovan, had been uncertain. It ought to be added that to this meeting Lord Derby summoned "the officers, spirituall and temporall, with the twenty-four Keys of the said Island, and four men of every parish," to study and devise such convenient remedy and redress as might best stand with the maintenance and preservation of his Lordship's royalties, rights, and prerogatives, the good and welfare of the Church and commons, and the peace and safety of the whole State in general.

The assembly, however, which was thus convened, was only intrusted with very limited powers. "It was mutually condescended and agreed unto by all parties, and it was their humble desires, that his Lordship should chancelarise, order, and decide all and every their matters and business of complaint or aggrievance whatsoever. . . . To which order, doom, and decree

[1] Manx Soc. Pub., vol. iii. p. 26. [2] Ibid., p. 29.

every one of them, viz., the Right Reverend Father in God, Richard, the Lord Bishop of the Isle, with his officers spirituall and the body of his clergy, the twenty-four Keys of the Island, with the four men of every parish, in the name of themselves and of the whole commons of the Isle, by whom they were chosen and thither sent for that purpose, did condescend and agree for them, their heirs and successors, to stand, to perform, and abide such his Lordship's order, doome, and decree therein, as should be thereafter published under his honour's hand and seale."

Having thus got the whole power unconditionally surrendered into his own hands, Lord Derby next directed that "a select jury and grand inquest of twenty-four men, newly chosen, whereof twelve of the twenty-four Keys to be part, and twelve of the four men of the parishes then present the other part, should be impanelled and sworn to find out and present all such wrongs and abuses as have been committed or acted against his Lordship's prerogative, the lawes of the island, or the good of the comonaltie."

The meeting in Peel, however, was not destined to end without disturbance; for Captain Christian, to quote Lord Derby's own words, "seeming desirous to make a right understanding between me and the people, at the rising of the court, asked me if we did not agree thus and thus, mentioning some things he had instructed the people to ask, which very happily they had forgot. Presently some catched thereat; but as soon as I catched at the words, saying 'he was much to blame so unseasonably to move new matter, seeing that we so happily had ended the day, and set all business in a blessed way for the good of me and the country' . . . and so, rising from my seat, I assured the people they needed no other advocate than myself to plead for them, because I had a resolution to do all that in reason they at any time might desire of me . . . and,

if any base fellow told them otherwise of me, I wish they would hold him an enemy to themselves. And whoever durst say to me I had not their loves, I would give such the lie, and deliver him to them to tear in pieces, as I thought he might well deserve. So I bade the Court to rise, and no man to speak a word more. . . . Christian hereat grew very blank;" and he had reason, for a few days afterwards Lord Derby flung him into prison in Peel, where he is said to have remained for many years.[1] Others were imprisoned with him, and others "deeply fined. So as having picked them thus one by one (which was the more easy and ready way), it terrified all that had any hand in these matters . . . those who were fined, by their good behaviour hope to be forgiven the said fines, and are thereby in good awe. Others make way to their peace beforehand, to prevent imprisonment and fine. And so, God be thanked, we are very quiet."[2]

In the meanwhile the grand inquest proceeded to make its report. The grievances of which it complained chiefly concerned "particular abuses of the clergy, by particular ministers and proctors, in the collecting of their tithes and duties to the Church, contrary to the known laws and orders of the Island." Lord Derby called on the proctors and clergy for explanations: he obtained from them a "promise of reformation for future time," and "such feizable reasons of their just grievances against the commonaltie, that his Lordship (for preservation of love and unity betwixt the clergy and commonaltie for time to come) thinks fitt that those matters of particular grievances on both parts shall be no more remembered." But at the same time he had the good sense to put an end to certain exactions of the Church. When a minor died, the Church had exacted a fee of 3s. 4d. before passing his goods to his

[1] Train, vol. i. p. 197; but cf. Manx Soc. Pub., vol. xxvi. p. 90 *n.*

[2] Manx Soc. Pub., vol. iii. p. 35.

brothers and sisters; Lord Derby limited the fee to 6d. The Church had claimed the right of writing every man's will, and had charged a fee for doing so; Lord Derby directed that "every man may make, or cause to be made, his own will, by whom he shall please to direct." The Church had directed that, in the case of an intestate, "the whole team of oxen and the cropp of corne" should go to the eldest son;" Lord Derby ordered that the goods should be divided equally among all the children. The Church had taken a corpse present of ten per cent. on a deceadant's goods; Lord Derby practically limited the corpse present to one penny in the pound. The Church had insisted, by an "undecent order," that tithe butter and tithe cheese should be paid on the Sabbath-day on the altar; Lord Derby terminated a practice "much out of use in most parts of the King's dominions," and commuted the tithe for a small money payment on each cow, goat, and sheep. The Church had prevented the farmer from hauling his corn before the proctor came and took the tithe corn; Lord Derby directed that, if the proctor neglected, after due notice, to remove the tithe corn, the farmer might carry his own corn, taking "two neighbours to justify with him that he hath left his due tithe." The Church had directed that sundry small tithes and payments should be made on Easter Sunday, "and sometimes will stop the people from receiving the blessed Sacrament, because they have not paid their duties;" Lord Derby gave order that these small tithes and oblations should be payable on Monday and Tuesday in Easter week, after the people had received the Communion, and that the Church should have only the usual though summary remedy against those in default.[1]

Lord Derby's orders undoubtedly remedied some of the worst grievances of which the people complained; and his

[1] Statutes, Isle of Man, vol. i. p. 93.

power was so absolute or his influence so great, that he procured their acceptance both by the laity and the Church. For this purpose he summoned the clergy, his Council, the Keys, and the twenty-four men of every parish, to Castle Rushen on the 30th October, and made them, or such of them as were present,[1] subscribe their names to the orders. If Lord Derby had been satisfied with this victory, insular history in the next few years might have taken a different course. After settling the affairs of the Church, however, Lord Derby went on to enforce his own rights. In the course of ages, the people (as has been shown in a previous chapter) had gradually acquired a kind of tenant-right in their holdings: they had even of recent years claimed a right of alienating them. Lord Derby from the first laboured strenuously to terminate a practice which he thought injuriously affected his own interests: he referred in 1643 the matter to a commission composed of members of his Council, and he succeeded in 1645 in inducing the Tynwald Court to accept the conclusions of the commission. Under the arrangement which was then made the old system of land tenure was altered. The tenants of the Lord, whose lands had hitherto passed from father to child, and who had almost acquired by usage a right of sale, were persuaded to become leaseholders, receiving their lands on leases for twenty-one years or on leases for their lives.[2] Lord Derby was very proud of this piece of legislation, but it brought the Island and his successors nothing but trouble, till it was terminated in the following century by the most important Act which Tynwald had ever passed.

Between the issue of the commission in 1643, and the

[1] A note was appended that the reason why the full body of the twenty-four Keys and the four men of each parish are not all inserted is because their meeting at Castle Rushen, the said 30th October '43, proved a very tempestuous day of rain and wind; they could not conveniently travel without hazard, &c.

[2] Statutes, Isle of Man, vol. i. p. 100.

promulgation of the Act in 1645, Lord Derby temporarily left the Island; for news was brought to him that his heroic wife, Charlotte de la Tremouille, was besieged in Lathom House and in need of succour. This is hardly the place to re-tell the story of that famous siege, to relate how Lady Derby, placed, as she declared, under a double trust of loyalty and faith to her husband and of allegiance and duty to her sovereign, refused to yield; how she accompanied her own troops in a sally beyond the walls, and mastered the enemy's works; how she desired her trumpeters to tell that insolent rebel Rigby that, if he presumed to send any fresh summons to the house, she would hang up his messenger at the gates; or how the advance of Prince Rupert compelled the Parliament troops after four months of work and suffering to raise the siege. Lord Derby reached Lathom in time to receive Prince Rupert in the house which had been made illustrious by Lady Derby's courage; but the Prince, "better and more fully acquainted than the Earl with those undeserved jealousies and suspicions still subsisting against him by the great ones at court, and also of their vile and scurrilous suggestions and insinuations to his Majesty that it was not safe to trust him with too much power who had so near an alliance to the crown and knew so well how to use it to his own advantage,"[1] advised him to return with all speed to the island. Charles I., in short, still continued to distrust the man who stood in the same relation to Henry VII. as himself, but who throughout his life proved the warmest supporter of the Stuart dynasty.

Accordingly, leaving Lathom House in charge of a gallant Royalist, Colonel Rawsthorne, who had stood by Lady Derby's side during the famous siege, Lord Derby took his wife, his children, and his chaplain, Mr. Rutter, with him, and returned to the island. He had not been there many years before his

[1] Seacome's House of Stanley, p. 101.

conduct gave signal proof of the unworthiness of the suspicions of his detractors. For after the death of Charles I. the Parliament desired to get the island into its own keeping, and Ireton wrote to Lord Derby, and offered to secure him in his English estates if he would yield up his insular kingdom. Lord Derby returned the following answer:—

"I received your letter with indignation and scorn, and return you this answer: that I cannot but wonder whence you should gather any hopes from me that I should, like you, prove treacherous to my sovereign, since you cannot but be sensible of my former actings in his late Majesty's service, from which principles of loyalty I am no whit departed.

"I scorn your proffers, disdain your favour, abhor your treason, and am so far from delivering up this island to your advantage, that I will keep it, to the utmost of my power, to your destruction. Take this your final answer, and forbear any further solicitations. For if you trouble me with any more messages on this occasion, I will burn the paper and hang the bearer.[1] This is the immutable resolution, and shall be the undoubted practice of him, who accounts it his chiefest glory to be His Majesty's most loyal and obedient servant.

DERBY.

"CASTLETOWN, *July* 12, 1649."

Once again, and for the last time in her history, the Isle of Man was defying the whole might of England, and for more than two years, while Lord Derby lived, he made good his boast. England either did not think it worth while or worth the risk to attempt the conquest of the little island in the

[1] One is almost tempted to think that this language must have been inspired by Lady Derby, it so exactly resembles Lady Derby's answer to Rigby (Seacome's House of Stanley, p. 92, which has already been quoted). *Cf.* ibid., p. 130.

Irish Sea. In 1651, however, the attempt of Charles II. to regain his crown recalled Lord Derby to England. He carried with him the Governor, Captain Greenhalgh, and a regiment of his Manx subjects, and after an obstinate engagement in Lancashire, in which he was worsted, he joined the King, and took part in the battle of Worcester. After the defeat he fled with Charles into Staffordshire, where "having seen [Charles] hopefully secured in such a place and with such trusty persons, by whose means he most happily escaped the cruel hands of those bloodthirsty rebels who then sought his life, shifting for himself, he had the hard hap to be taken in Cheshire by one Major Edge, but upon condition of quarter. Nevertheless, against the law of arms, he was afterwards most barbarously sentenced to death by a certain number of faithless men, who, calling themselves a court-martial, sat at Chester, where, having voted him guilty of a breach of the Act of August 12, 1651, intituled an Act for prohibiting correspondency with Charles Stuart or his party, and sentenced him to be put to death at Bolton in Lancashire upon the 15th of October. He there suffered most Christianly."

Thus lived and thus died the most striking figure that had yet arisen in insular history. In Orry, the founder of the Norwegian kingdom, it is difficult to separate the legendary from the real. The character of the seventh Earl of Derby is evident, on the contrary, from his actions, his writings, and his laws. A man who lived in Stuart times could hardly be expected to be a perfect ruler. In his miniature stage he aped the manners of his own monarch, and quenched opposition by securing his opponents in gaol. Yet he did much to remedy the abuses he found. A strong Churchman, he restricted the exactions of the Church; and he strove, after the fashion of his time, to maintain order by severe punishment of crime. His land laws were stamped with the fault that they

were based on the principles which perhaps found favour in the seventeenth century with every great landowner. They left a legacy of hate, which explain the revolt of the island after his death, and which was not extinguished till the laws themselves were abrogated by a later successor. In other respects he did good work, and did it with the best intention. He was careful in the choice of his ecclesiastics and his officers, gracious in his manner, princely in his expenditure; he had courage which made him worthy of his heroic wife, loyalty which deserved a better sovereign, intelligence which would have been useful on a wider stage. His defects were perhaps the defects of his age; his virtues were his own; and so even those who dissent from his policy may agree in according to him the title, by which Manxmen still know him, of the great Earl of Derby.

CHAPTER IX.

CIVIL WAR AND ITS CONSEQUENCES.

On leaving the island in August 1651 to join Charles II., Lord Derby delegated his authority to his wife, Charlotte de la Tremouille. In language which seems almost too large for the little stage, on which she was to play the queen, he authorised her "to order and dispose of all and everie the forces of this island . . . to raise anie army or armyes by yourselfe or by your officers . . . with power to kill, imprison, or otherwise to punish enemies according to your good discretion, and likewise to pardon and forgive all such of them as you think worthie of itt . . . to dispose of, place or displace, all officers of this island, spirituall or temporall, and free pardon of liffe, member, and goodes to all dellinquents (after judgment given), to give and grant at your will and pleasure." Even the Stuarts hardly claimed such powers as Lord Derby, confiding in her "known wisdom and courage," intrusted to Charlotte de la Tremouille.[1]

Signing and sealing this commission on the 6th August 1651, Lord Derby set sail on the fatal enterprise which was to end in defeat at Worcester and the headsman's axe at Bolton. But he did not leave Lady Derby without other assistance. Sir Philip Musgrave, a Royalist, the owner of Edenhall, succeeded Greenhalgh as Governor of the island, and the insular infantry was placed under the command of William Christian, a son of Deemster Ewan Christian, and a

[1] Manx Soc. Pub., vol. xxvi. p. 105.

distant relative of the Edward Christian whom Lord Derby at one time had made Governor of the island, and whom he had later thrown into the prison in which he was still lying.

At first Lord Derby was able to send his wife "comfortable lines;" but as weeks rolled on, and disaster and capture ensued, his letters were couched in a different tone; and at last, three days before his execution, he wrote to prepare her for his own fate and the coming invasion of the island.

"The governor of this place (Chester), Colonel Duckenfield, is general of the forces which are going now against the Isle of Man, and however you might do for the present, in time it would be a grievous and troublesome business to resist, especially those that at this hour command three nations: wherefore my advice, notwithstanding my great affection to that place, is that you would make conditions for yourself, children, servants, and people there, and such as came over with me, to the end you may go to some place of rest, where you may not be concerned in war; and, taking thought of your poor children, you may in some sort provide for them; then prepare yourself to come to your friends above, in that blessed place where bliss is and no mingling of opinions."[1]

Lady Derby, on receiving the affecting letter from which this paragraph is extracted, made an effort to save her Lord. She despatched one of her servants to England with a proposal for "the rendition of the island upon condition that the Earl might be released." But her messenger was too late. He only reached Colonel Duckenfield at the end of October, and a few days before the headsman had completed his fatal work at Bolton. In the meanwhile all had not gone too smoothly with Duckenfield. Leaving Chester on the 18th October, with a considerable force, he had been compelled by contrary winds

[1] Manx Soc. Pub., p. xxvii., or Seacome's House of Stanley, p. 128.

to take shelter in Beaumaris, wherein—for the stout-hearted Puritans always saw the finger of God in their concerns—"wherein was marvellous Providence: for had we reacht the island with that wind, which set on us at Anglesey, the violence of the storm which arose within few hours would not only have hindered the landing of our men upon such rough shores, but have scattered us into severall countreys, to the disparaging and retarding, if not altogether frustrating, our intended attempts, at least for this winter."

And so from the 18th to the 24th October Duckenfield lay quietly at Beaumaris. Early in the morning of the 25th he set sail, and in the afternoon of the same day had a clear view of the Manx coast. They saw "the country people in what numbers they could make (for they have no trees to hide them), both horse and foot, mustering up what strength they could engage, which for ought we knew was against us." A council of war was held, at which it was "controverted whether to summon the island, or to make a forcible entry first, and then afterward to scatter declarations more properly among them, and only summon the castles. The latter [course] was resolved upon, which probably, had it been attempted, would have cost the effusion of much blood; but it pleased God (whose ways and thoughts are above ours) that there suddenly arose a very great storme for a short time, that most of our vessels could not possibly come up to the foremost of us." These pious Puritans therefore, who, like the poor Indian, "saw God in storms and heard Him in the wind," abandoned their immediate intention, and steered to the north of the island. There, on the following morning, one Hugh More, an islander, came with a message from Receiver-General Christian to assure us that we should have no opposition in landing, and that only the two castles, Peel and Rushen, did yet stand out. Shortly afterwards "Dymster Christian, and with him

three or four seemingly honest and sufficient men," confirmed the news; and accordingly on the 29th October, after the expedition had experienced another severe storm, in which one of the vessels composing it was run ashore and "spoiled, but the lives of the persons in her were preserved," the whole force was safely landed, and siege was laid "to both the castles at once, Colonel Duckenfield himself lying about Rushen where the Countesse was."

On the evening of the day on which the siege began, an answer was at last given to Lady Derby's appeal for her unfortunate husband, and she learned for the first time that he was beyond the reach of any help which human aid could give him. Colonel Duckenfield at the same time assured her that there was "no way left for your family of avoiding utter ruine but by a present surrendering the castles of Rushen and Peel to the State of England."

Poor Lady Derby, assured for the first time of her husband's death, was "extreamely passionately affected as in a kind of fury." She could hardly help perceiving that power of resistance she had none. The Parliamentary troops drawn up before the castle had traversed the whole length of the island without opposition; members of her Council, her Deemster and Receiver, had gone over to the enemy; her chaplain, Archdeacon Rutter, urged her to agree to terms; while almost alone her young daughter, inheriting her mother's spirit, wished that Master Rutter "and all such as he were out of the castle,"[1] and would leave them alone, "who were resolved to sell their lives and blood at a dearer rate . . . and follow her noble father." Lady Derby, however, did not venture on adopting

[1] Rutter, who had been chaplain to Lord Derby, and was now Archdeacon, and who subsequently became Bishop of the island, had been in Lathom during the famous siege, and had displayed dexterity and courage (Seacome's House of Stanley, p. 103). His advice to yield is a tolerable proof, therefore, that Castle Rushen was indefensible.

so bold a counsel, but offered to surrender the castle on condition that she might be assured a safe-conduct for herself, her family, and her suite, through England to Holland, and that her own jointure and her servants' property might be assured to her. Duckenfield, instead of sending a direct answer to these proposals, busied himself in landing his artillery. While the work was still in progress, "news came that there was a discontent generally among [the] soldiers in the castle." Some of them succeeded in leaping from the battlements and joining the besiegers; others wrenched open a sally-port, and gave the enemy possession of the outer wall and tower; while the leaders, noticing the defection of their men, demanded a parley, and finally surrendered the fortress. It was agreed that the castle and all its stores should be delivered on Saturday the 1st November; that Peel should be surrendered on the following Monday; that the knights, gentlemen, and other persons should have passes to go to their several countries or habitations, with their wearing apparel and their private monies; and that Lady Derby, with her children and servants, have liberty to transport themselves for England, there to make what application to the Parliament she shall think fit." [1]

"Lady Derby"—so wrote Hume—"retained the glory of being the last person in the three kingdoms, and in all their dependent dominions, who submitted to the victorious Commonwealth." [2] And her resistance would evidently have been much protracted if she could have relied on her Manx subjects and her insular garrison. Duckenfield, in fact, achieved a bloodless conquest, because the defection of the Christians enabled him to land unopposed and to secure Castle Rushen without a siege. And the conduct of Christian has been

[1] Manx Soc. Pub., vol. xxvi. pp. 16-74.
[2] History of England, vol. vii. p. 205.

raised into literary and historical importance. For one person who is acquainted with the annals of the Isle of Man, a thousand are familiar with the adventures of "Peveril of the Peak," and Scott in the novel has allowed Lady Derby to frame her own charges against her Receiver.

"This Christian," she said, "had eat of my lord his sovereign's bread and drunk of his cup. . . . He himself had fought bravely by my husband's side, and enjoyed all his confidence; and, when my princely Earl was martyred by the rebels, he recommended to me amongst other instructions, communicated in the last message I received from him, to continue my confidence in Christian's fidelity. I obeyed, although I never loved the man. He was cold and phlegmatic, and utterly devoid of that sacred fire which is the incentive to noble deeds, suspected too of leaning to the cold metaphysics of Calvinistic subtlety. But he was brave, wise, and experienced, and, as the event proved, possessed but too much interest with the islanders. When these rude people saw themselves without hope of relief, and pressed by a blockade, which brought want and disease into the island, they began to fall off from the faith which they had hitherto shown. . . . Do not blame them [continued the Countess]; the rude herd acted but according to their kind—in present distress they forgot former benefits, and, nursed in their earthen hovels, with spirits suited to their dwellings, they were incapable of feeling the glory which is attached to constancy in suffering. But that Christian should have headed their revolt—that he, born a gentleman, and nursed under my murdered Derby's own care in all that was chivalrous and noble—that he should have forgot a hundred benefits! Why do I talk of benefits? That he should have forgotten that kindly intercourse which binds man to man far more than the reciprocity of obligation—that he should have headed the ruffians who broke suddenly into my apartment—

immured me with my infants in one of my own castles, and assumed or usurped the tyranny of the island—that this should have been done by William Christian, my vassal, my servant, my friend, was a deed of ungrateful treachery, which even this age of treason will scarcely parallel."[1]

This description which Scott gave of Christian's conduct was not suffered to pass unchallenged. The then representative of the Christians forwarded to the novelist a memorandum entitled "Historical Notices," defending the Receiver, which may still be read in an appendix to the introduction of "Peveril of the Peak;" while one of the few ballads in the Manx language which is still preserved sings the praises of Iliam Dhone.[2] It is certain, too, that the language which Scott puts into Lady Derby's mouth is not quite reconcilable with the facts that have come down to us. The surrender of the island to the Commonwealth was not due to the pressure of blockade, bringing want and disease in its train. Duckenfield, like Cæsar, might have boasted that he came, he saw, and he conquered. There is no evidence, moreover, that Lord Derby specially recommended his wife to trust in Christian. He certainly made no allusion to Christian in the last letter which he addressed to her, and it is not likely that he should have done so. For, whatever benefits the Earl may have conferred on the island, he had conferred no benefit on the Christians. On the contrary, William Christian's distant relative, the ex-Governor, was still in gaol. Deemster Christian, William Christian's father, was one of those who had profited most from the old land tenure which Lord Derby had terminated, and was excluded from the commission which Lord Derby appointed in 1645, and which led to the introduction of

[1] Peveril of the Peak, chap. v.

[2] Iliam Dhone is literally William the Brown-Haired, and is the Manx name for William Christian.

leases; in fact, there is every reason for supposing that it was this very policy of turning customary lands into leaseholds which produced the rapid defection of 1651; and, according to the author of "Historical Notices," the only stipulation which the islanders made on surrendering the island was "that they might enjoy their lands and liberties as they formerly had."

News of the capture of the Island was at once sent to London, and the House of Commons rewarded the messenger who brought the tidings with a gratuity of £100, and directed its thanks to be conveyed by letter to Colonel Duckenfield and the officers and soldiers of the expedition "for their good and faithful service." A month afterwards it voted a guard of 240 men for the protection of the island, directed that two vessels should be provided "for its help and benefit, not being able to subsist without traffic or defend themselves from pirates without some such conveniency;" and it ordered "that the £400 which was the Bishop's yearly revenue, together with the profits of the sequestrable clergy, may make one purse to be allowed to so many and such ministers as the Council of State shall appoint to preach as 'Steueraries,' at least for a time; and all scandalous and unfit ministers to be put out." It further decided that "the Isle of Man should be taken in as part of England, yet retaining such laws already established as are equitable and just, and more suitable to the condition of that people than any other that can be devised. To which end it will be convenient that Dymster Christian and his brother the Receiver,[1] two of the ablest and honestest gentlemen in the Island, may be commanded to attend the Council, by

[1] According to the Historical Notices, Receiver Christian was the son, and not the brother, of Deemster Christian. Manx Soc. Pub., vol. xxvi. p. 92. For the extracts in the text, see ibid., p. 77, and Journal of the House of Commons.

whom they may receive a full and true account touching their laws."

But, though Parliament determined that the Island should be taken in as part of England, it resolved to maintain its separate organisation. It granted the Island to one of its most distinguished generals, Thomas Lord Fairfax, "in as large and beneficial manner, to all intents and purposes, as the said James (Lord Derby) had or might have enjoyed the same;" and the earliest historian of the island, who himself acted as its Governor for a short time under Fairfax, added, "So that as his Lordship hath the jurisdiction of the Isles as the said Earl hath, so hath he also the title, namely, Lord of Man and of the Isles, and that most deservedly; for that as he, in virtue and nobility of blood, is not inferior to any of his predecessors, kings and lords of Man, so in high achievements in arms he far surmounteth them all."[1]

Lord Fairfax continued in possession of the Island until the Restoration, but there is no very clear evidence that he ever visited his little dominion. The most important legislation passed during his tenure of it was confirmed and approved by him at Nun Appleton in England. During this period the island seems to have relapsed into a condition of chronic misery; for Chaloner, in concluding his description of it, declared that its poverty was "its greatest security."[2]

The poverty[3] of the island probably prepared the way for a fresh revolution. The people, who had obtained little or no

[1] Chaloner in Manx Soc. Pub., vol. x. p. 28. The late Mr. Harrison says that the island had been conferred on Lord Fairfax by an Act of the Long Parliament passed on the 20th September 1649; but he admits that no trace can be found of the Act. Manx Soc. Pub., vol. xxvi. p. xxxiii. *n.*

[2] Ibid., vol. x. p. 57.

[3] Before accepting Chaloner's statement without reserve, the reader will do well to compare it with Blundell's account of the island, which will be found at the commencement of the next chapter.

benefit from the change to the Commonwealth, were ready on the first opportunity to revert to their old allegiance. The Restoration in England was consequently followed by a similar restoration in Man, and on the last four days of May 1660 Charles II. was proclaimed in each of the four towns of the island, "with shouting, shooting of muskets, and ordnance, drinking of beer, with great rejoicing." Oddly enough, the Governor, Chaloner, who owed his appointment to Fairfax, was present on each of these occasions, "attended with the officers, civil and spiritual, twenty-four Keys, the captains of parishes, and above sixty horse, besides the officers in each town aforesaid."[1]

It is evident, therefore, that, easily as the island had lapsed from its customary allegiance in 1651, it returned with equal ease to its old allegiance in 1660. But it is worth observing that its first overt act of allegiance was paid, not to its own sovereign, but to the crown of England. Six weeks more elapsed before the eighth Earl did anything to assert his own authority as his father's heir. On the 14th July, however, he issued a commission in London appointing Roger Nowell and other gentlemen to be his commissioners in the island, and from that date he may be assumed to have entered on the government of the little dominion of which he was the hereditary lord.

In Man, as in England, the men who were in favour of the Restoration endeavoured both to efface and ignore the doings under the Commonwealth. Episcopacy was almost immediately restored, and the statutes which had been made since 1651 were solemnly re-enacted. But, while Lord Derby and his commissioners in Man were restoring Episcopacy and obliterating the remaining traces of rebellion, they were not forgetting those who had proved faithless to the seventh Earl's

[1] Manx Soc. Pub., vol. xxvi. p. xxxv.

trust, and who had negotiated the surrender of the island to the officers of the Commonwealth. Charles II., indeed, had sanctioned a general Act of indemnity for all acts or offences acted or done by virtue or colour of any authority of the existing Government of England, Scotland, and Ireland, and the dominions thereunto belonging, from the 1st January 1637 to the 24th June 1660;[1] and relying on this amnesty, Iliam Dhone had returned to the island[2] in the summer of 1662. But Lord Derby at once decided on ignoring the indemnity, and writing from Lathom, directed Christian's arrest.

"Rebellion being a most heinous sinne against God, calling for justice here on earth, without which that place where it is committed may well be said to be polluted, and by a fitting sacrifice ought to be purified by the blood of the most heinously guilty . . . and withall, considering how much I am concerned soe far forth as I may to revenge a father's bloud, I take it to be a duty . . . to command you (which I doe by these presents) that forthwith upon sight hereof you proceed against William Christian of Ronasway (some times recedent of my island of Man), for all his illegal actions and rebellions, at or before the year of our Lord one thousand sixe hundred fifty and one, or at any time since, and that he be proceeded against according to the lawes of that my island."

The Lord's officers lost no time in carrying out his instructions. On the 3rd of October—the mandate was only dated

[1] 12 Car. II., c. ii.

[2] Things had not gone well with William Christian during the Protectorate. He seems to have left the island in consequence of some defalcations in his accounts with the Exchequer. His property was sequestered, and on reaching London he was thrown into the Fleet. He said himself, in his speech before his execution, "I was not long in London when I was arrested upon an action of £20,000, and clapped up in the Fleet, unto which action I, being a stranger, could give no bail, but was there kept nearly a whole year." Manx Soc. Pub., vol. xxvi. p. 37, and cf. Introduction, p. xxxvii.

12th September—Christian was put on his trial at Castle Rushen. Depositions were made by various persons concerned in the rising, which show clearly enough that Christian had contemplated an insurrection, had intended to surprise the castle, and that he and his fellow-conspirators had been sworn to secrecy. The Governor referred these depositions to the Deemsters and Keys for their "advice and assistance, whether (upon the examinations taken and read before you) you find Mr. William Christian of Ronaldsway within compass of the statute of the year 1422,[1] that is, to receive a sentance without quest, or to be tryed according to ordinarye course of tryall for life and death in this country." Deemsters and Keys replied that he should be tried by the course of trial for life and death by quest; and on the 26th November Christian was accordingly indicted before a court of general gaol delivery at Castle Rushen. As, however, he refused to abide his trial at bar according to the law and custom of the country, it was not thought necessary to impanel a jury. The Governor thereupon asked the Deemster, "who then sat in judication," what the law directed when a person refused to plead. The Deemster, before answering the question, craved the advice and assistance of the twenty-four Keys; and Deemster and Keys replied that "the law in this case deemes such a person to be in y^e^ mercy of y^e^ lord for life and goods, as we find by ancient records."

This answer was only given by one of the Deemsters, Norris, Deemster Christian not unnaturally absenting himself from the court. But it is evident that even Deemster Norris and the Keys wished by this answer to absolve themselves from the unpopular duty of passing sentence on Christian, and to fling the whole responsibility on the Governor of the island. But

[1] The Statute of 1422 gave it for law "that whosoever riseth against the lieutenant, he is a traytor by our law, for that is against the Lord's prerogative."

Lord Derby and his officers were too shrewd to fall into the snare which was thus laid for them: instead of ordering Christian's death on their own authority, they again summoned Deemster and Keys, and asked them whether an offender who had refused to plead, and who had been condemned to death, was entitled to the same benefit of tryal afterwards by a grand jury. If not, whether the Deemsters, or one of them, ought not to proceed to pass sentence; and, if the Deemster do not pronounce sentence, then by whom is the same to be done, and in what manner. But, though their inquiries were referred to Deemster and Keys, the authorities seem to have found it necessary to pack a court for the purpose. Deemster Christian was removed and replaced by the Attorney-General, Hugh Cannell. Seven of the Keys were displaced by Lord Derby's own order, and seven other persons, who may be assumed to have been more submissive, were appointed in their room. Thus reconstituted, Deemsters and Keys seem to have found no difficulty in replying that Christian had no right to a fresh trial, "except it bee by the spetiall favour of the Lord of this Isle;" and that "his doome and sentence for life or death, as pleaseth the Governor or Deputy-Governor . . . bee pronounced by the Deemsters, or the one of them in due obedience of such his honour's or Governor's or Deputy-Governor's pleasure, and that a sentence soe pronounced is authenticke and firme in law, in order to his honour's prerogatives in this isle."

Fortified by this clear opinion of a court specially constituted to return it, the Governor commanded the Deemsters to pronounce sentence of death unto and against him, the said prisoner. "And to lett him understand that hee stands guilty of most notorious treason, which demeritts in the strictness of law a most haynues and ignominious death. . . . Nevertheless, upon the earnest peticon of his wife, and consideracon of her very disconsolate condition, I have thought fitt, and so

require and order you to pronounce for sentence (using such accustomed fforme as appertaynes to a sentence) that hee bee brought to the place of execution called Hango Hill, and there shott to death, that thereuppon his liffe may departe from his bodie."

The Deemsters could no longer disobey the Governor's order, and on the same day on which it was given, the last day of 1661, Christian was brought to the "publique barre with a guard of soldiers," and the senior Deemster, Norris, pronounced sentence in "a formall and patheticall speech." And two days later, on the second day of 1662, the tragedy was closed. According to the register of the parish in which he was executed, Christian "died most penitently and most curragiously, made a good end, prayed earnestly, made an excellent speech, and the next day was buried in the chancle of Malew." [1]

The story of Christian's death has been told at length because, apart from the interest attaching to it through "Peveril of the Peak," it illustrates the constitution and practice of the early law courts in the Isle of Man. We have the satisfaction, moreover, of seeing that Charlotte de la Tremouille is herself saved from the reproach, which Scott's genius has cast on her memory, of compassing Christian's death, and that the responsibility for it attaches not to her, but to her son. But the full significance of the story does not end at this point. Before his conviction Christian appealed to the King in Council, saying that he was advised by his lawyers that the Act of Indemnity applied to him, and praying that he might have the benefit of the laws of England, and that the King would order that he should be brought before him, and that, if anything were objected to him, he should have a fair trial according to the known laws of the kingdom. Before any

[1] Manx Soc. Pub., vol. xxvi. pp. 1–40.

action was taken on this petition Christian was beyond the reach of any aid which Charles II. could extend to him. But on the 12th January the petition was referred to the law officers; and on the 16th, on their report, Lord Derby was directed to bring his prisoner to London, "to be heard before us and our Councell, touching the matters wherewith he is charged." Lord Derby, writing to the Secretary of State on the 20th, regretted that he should have had any trouble "concerneinge one Christian who [had been] condemned and executed by the lawes of the Island of Mann." This Christian "rebelled and constrained my mother (who my Lord my father left Governesse), to surrender up the Isle to the Parliament, and for this hee had no commission, neither from any of the illegall powers which might render the Act of Indempnity beneficiall to him, if that place had been comprehended in the Act of Indempnity, which I conceive it is not, because the Act of Indempnity makes noe mention of that place." And Lord Derby, therefore, passing lightly over the transaction to matters of higher importance, asked the Secretary of State to approve the appointments of some deputy-lieutenants for Lancashire.

Possibly the matter might have been forgotten if some of Christian's sons had not appealed to the Privy Council for redress. The Council, on their appeal, directed Thomas Norris, the Deemster who pronounced sentence, Robert Calcott, the commander of Castle Rushen, and Hugh Cannell, the attorney-general, who had been promoted to the Deemstership, to appear before the Privy Council and give an account of their proceedings. The Governor, Henry Nowell,[1] had the hardihood to obstruct the order, and the Council thereupon issued a warrant for the arrest of the Governor and the other offenders,

[1] Henry Nowell appears to have been deputy to his father, Roger Nowell. Manx Soc. Pub., vol. xxvi. p. 34, note.

and the bringing them to London. Lord Derby, hearing of the order, thought it useless to resist the power of the English crown, and undertook, if the warrant were suspended, that the persons charged should at once appear; and, finally, after a full hearing of the whole case, the Privy Council, assisted by the Lord Chief Justice, the Lord Chief Baron, and the King's counsel "learned in the lawes," decided "that the Act of general pardon and indempnity did and ought to be understood to extend into the Isle of Man, as well as into any other of His Majesty's dominions . . . and that being a publique general Act of Parliament, it ought to have been taken notice of by the Judges in the Isle of Man." In consequence it directed that full restitution should be made of William Christian's estate; that the complainants should have all their charges and expenses paid; that the two Deemsters—Norris and Cannell—should be committed to the King's Bench and proceeded against "so to receive condign punishment according to the merit of so heinous a fact;" that Deemster Christian should at once be restored to his office; and that the Governor Nowell ("whose fault hath been the not complying with and yielding due obedience to the orders of His Majesty and this Board") be discharged on giving security to appear before the Privy Council whenever summoned, being "strictly commanded to employ the power and authority which, by virtue of his commission, he hath in that island in performance of and obedience to all commands and orders of His Majesty and this Board in this whole business or any way relating thereto."[1]

This decision emphasises the conclusion which has been more than once expressed in this volume that the little Island of Man, though a very ancient kingdom, could at no time of its history claim that it was an independent kingdom. As

[1] Manx. Soc. Pub., vol. xxvi. p. 57.

the Lord Chancellor of England said in deciding a famous case in 1751 :—

"Several things are admitted on both sides—that the Isle of Man is not parcel of the realm, but of the possessions of the crown of Great Britain, long held as feudatory, first of the King of Norway, then of the King of Scotland, and afterwards of the King of England by liege homage. . . . It is grantable by the Great Seal of England, not as parcel of the realm, but of the possessions of the crown; it is held by liege homage rendering two falcons, to be presented to the King's heirs and successors upon the day of their coronation, which is a tenure in free socage." [1]

[1] Manx Soc. Pub., vol. xii. p. 68.

CHAPTER X.

THE ISLAND AT THE RESTORATION.

THE Civil War of the seventeenth century passed lightly over the Isle of Man. The people did not suffer from the execution of Lord Derby at Bolton, or of William Christian on Hango Hill.[1] The transfer of the Island to the Parliament and its restoration to the Derby dynasty were equally effected without blood-shedding, and its inhabitants were left free to pursue their own callings and promote their own prosperity in their own way. For the first time in its history the lot of the little island was becoming more tolerable than the lot of the larger island of England, and, in consequence, fresh light was thrown on its circumstances. William Blundell, a gentlemen of Lancashire, who had fought on the side of the Stuarts, who had been badly wounded at the siege of Lathom, and who, "wearied with being so often wakened at midnight to fly from the King's and Parliament's troops (both equally feared because equally plundering)," resolved to banish himself voluntarily for a time to that "little molehill moted about with ye main sea," where he hoped to sleep in peace without "any nightmares to molest" him.

[1] Hango Hill, where Iliam Dhone was shot, and which was the place of public execution, is situated a short distance to the north of Castletown, between King William's College and Castletown Bay. Lord Derby erected a block-house upon it, which is unfortunately rapidly disappearing before the ravages of the sea. It is said to owe its name to the use to which it was put, Hango Hill being the hill of hanging. Surnames and Place-Names, Isle of Man, p. 292.

Blundell's hopes were not founded on any knowledge he possessed of the island. Though he had probably himself frequently seen its mountains from his own Lancashire hills, he knew no more about it than the ordinary Englishman of to-day knows about Cochin-China or Timbuctoo; for he tells us that, as he was "rocked in y^e^ floating craddle" of the little skiff which was carrying him to the island, there occurred to him "Moses' expression and interpretation of y^e^ word Manna, in y^e^ sacred text of its original language importing, . . . they wist not what it was; which name may still (not unfitly) be given to this island, for notwithstanding all y^t^ any have written thereof, we are still put to ask, What is this island? How is it governed? With what laws, political or ecclesiastical? The power, antiquity, and succession of y^e^ Kings and Lords of Man?"

A gentleman who could indulge in such speculations while he was rocked in his little skiff on his passage was just the man to take some steps to make the Island a little better known; and accordingly, during his stay there, Blundell collected the materials for his history, which, after lying for more than two hundred years in manuscript, has been lately published by the Manx Society.

While Blundell was collecting the materials for his work, Fairfax was selecting Chaloner as his representative in the Island; and Chaloner set an example to his successors by writing "A Short Treatise of the Isle of Man." A few years later Chaloner's conduct in this respect was followed by William Sacheverell, who held the governorship of the Island in 1693; a generation later still, Waldron published his description of the Isle of Man; while Bishop Wilson about the same time composed the narrative which he called a history of the Island.

Thus the veil is suddenly lifted, and we find ourselves face

to face with the people whose history and character we have hitherto endeavoured to trace by incidental references in other works. And the account which we derive from Blundell's pages is one of comparative prosperity. "All parts of the Island, as well the north as the south, yieldeth store of all sorts of grain, both barley, wheat, rye, and oats (yet of y^e^ last the most), but not only of each satisfying the inhabitants' necessity, but also affording an overplus for exportation unto other parts; and y^e^ corn of this island is so purely good as y^t^ you shall not find, no not in England, either better bread or better beer than is there commonly sold."[1] He goes on to add that, besides corn, the Island yieldeth good store of flax and hemp, but that the cattle were little, low, small and poor, while the horses were "frightfully poor, and the most unsightly that may anywhere be found. . . . You are scarce able to discover any head for hair, which is of a sooty black colour. . . . A reasonable tall man needs no stirrups to ascend him, but, being mounted, no man need to desire a better travelling beast; they will plod on freely and willingly with a soft and round amble, setting as easy as your Irish hobbies; they have no need of spurs or switch."[2] The sheep of the

[1] Manx Soc. Pub., vol. xxv. p. 39.

[2] Train says, on the authority of the MS. Statute Book, that "so early as the year 1584 the attention of the Legislature was turned towards the improvement of the breed of horses. 'Whosoever shall keep a stoned horse, unless he be five quarters of a yard high, and worth six shillings and eight pence, shall, upon presentment to the Great Inquest, be fined in three shillings and four pence.' Horses, therefore, in 1584, could not have been larger than Shetland ponies. Almost exactly a hundred years afterwards, Lord Derby, with a view 'to the encouragement of tenants here to breed good horses,' offered a plate 'of £5 to be run for by the Manx horses upon the 28th day of July in every year, being the birthday of our honbl. Lord Strange.'" And the Statute Book of that year directed that "such as have a mind to put in horses to run the said race shall enter their names at the Clerk of the Rolls at or before the iiii^th^ day of July next, with the name of the horse he intends to put in, if he have any, and his colour, and whether it be horse, mare, or gelding" (Statutes, Isle of Man, vol. i. p. 142).

Island were also commended; the mutton fat and well tasted, the wool good, and the Laughton wool, as the brown wool of the native breed is still called, exceeding other wool in fineness. When Blundell was on the island, the great Earl of Derby wore an entire suit made of this wool. Agriculture was not the only pursuit of the natives. "The sea feedeth more of the Manksmen than the soil. It yieldeth to the Islanders presently of divers sorts of fish, but of no one sort so much as of herrings in their season." The herring-fishery from the earliest recorded period had been an object of care both to State and Church. The Church exacted its tithe on all fish caught either at sea or on the coast. The Lord was entitled to one maze out of every five maze of herrings caught.[1] The remainder of the catch was divided into eight parts, "whereof he that furnisheth the nets hath three parts; he that is owner of the boat, one part; the other four parts are subdivided among the fishermen that assisted to catch them; for in every boat that goeth out to fish there are four fishermen; so as if the owner of the boat be also owner of the nets, he hath the half of all the herring that are taken in that boat and in that net."[2] The whole people, therefore, from the Lord to the lowest hind, drew large benefits from the fishery. The Lord's rent was usually paid out of the profits obtained from it,[3] while the people made the herrings throughout the year their daily and constant food.[4] How largely the herring extended into the lives of the people may be inferred from the oath which

The race thus instituted is said to have been called the Derby; and the Manx are fond of declaring that the Derby was run in the Isle of Man the best part of a century before it was run at Epsom.

[1] Statutes, Isle of Man, vol. i. p. 5. A maze of herrings contains 625 fish: for tithe fish see ibid., p. 44.

[2] Blundell, in Manx Soc. Pub., vol. xxv. p. 85.

[3] Statutes, Isle of Man, vol. i. p. 14.

[4] Blundell, Manx Soc. Pub., vol. xxv. p. 86.

was and is still administered to the Deemsters. They were and are sworn to "execute the laws of this Isle justly betwixt our Sovereign Lady the Queen and her subjects within this Isle, and betwixt party and party as indifferently as the herring backbone doth lie in the middle of the fish."[1]

The herring is a fish whose movements are often uncertain, and no one has hitherto been able to determine the reason why it occasionally deserts and occasionally frequents particular banks. Such uncertainty, which affects the fishery off the Manx coast now, apparently existed in the seventeenth century, for Tynwald in 1610 set out with much care the orders to be observed in the herring-fishery, "whensoever it pleaseth God to send that blessing;" while Bishop Wilson, a hundred years later, added a petition to the Litany, which is still always read in Manx churches: "That it would please Thee to restore and continue to us the blessings of the sea."[2]

In 1610 the Lieutenant, Deemsters, Officers, and twenty-four Keys, "having taken the examinacons of fower anncyent men, who perfectlie did remember the hearing-ffishing in this Isle," directed that every farmer should provide himself with eight fathomes of netts, "conteyning three deepings of nyne score mashes upon the rope," and furnished with buoys and corks used for fishing. No one was to fish before the

[1] Perhaps the commencement of the oath ought also to be given: "By this book, and by the holy contents thereof, and by the wonderful works that God hath miraculously wrought in heaven above and in the earth beneath in six days and seven nights, I, A. B., do swear," &c. The people who drew this oath were evidently ignorant that the Jewish day began in the evening: and, as we read in Genesis, that the evening and the morning were the first day, inferred that there must have been seven evenings or nights before God rested on the seventh day from the labour of creation.

[2] This addition to the Litany was possible, because the Act of Uniformity does not apply to the Isle of Man. The only other alteration made in the Service of the Church has been the omission during the last five years of the prayer for the High Court of Parliament, and the addition of a prayer for the Governor and Legislature of the Island.

16th July; no one was to fish from Saturday morning till Sunday night; no one was to fish in the daytime; and no one was to shoot his nets till the Admiral or Vice-Admiral of the Fleet had given directions for doing so. These minute regulations do not seem to have been successful. Perhaps no laws could have improved an industry which was ruined by the heavy exactions of Church and State. And in 1613 Lady Derby, being "trulie advertised that because of the great imposicon . . . of custom-heyrings, not onlie strangers have refrayned to come to the late fishinge of this Isle, but also the Islanders themselves, being thereby discouraged, did not shewe their willinge minds, nor consequentlie use their industrious paynes in and about the fishinge"—had the good sense largely to reduce the customs both for strangers and natives.[1]

The fruits of the earth and the blessings of the sea were the chief resources of the Manx in the seventeenth century. But there was already evidence that the land was rich in mineral wealth. There are traces of old mine-workings in the south of the Island, which were apparently commenced in some pre-historic period; for, in lately resuming operations, the adventurers have found a stone axe, which had been, it seems, employed by the original explorers. Blundell, indeed, shrewdly "confided" that it will be "experienced hereafter that Man is far richer under ground than it is above." On the other hand, he noticed that there was no coal, that the only fuel was gorse, ling, and turf, and that timber was so scarce that the mercers, "when they come into England for other commodities, buy up our birch brooms, and of them make rods and sell them to parents to correct their children and schoolmen to discipline the schollars."

The Island in Blundell's time was "in a mean populous." The gentry, who were few, lived in "high, handsome, well-

[1] Statutes, Isle of Man, vol. i. pp. 73, 74, 89.

built houses." Some of them had "good though not great estates; the greatest that I could be informed of exceeded not £600 or £700 per annum, the rest have some £500, £400, £300, or under." The peasants, on the other hand, lived under less favourable conditions. They were—so Blundell said—"the true Manks breed, and home-bred natives of Man; tall of stature and of a strenuous bulk, but boorish as y^e^ Beotian, having their wits as gross as their ayre." Their houses were "mere hovels, compacted of stones and clay for the walls, thatch'd with broom, most commonly containing one room only." "In this smoking hut, like y^e^ wild Irish, of whom many opine them to be antiently descended, doth the man, his wife, and children cohabit, and in many places with y^e^ geese and ducks under y^e^ bed, the cocks and hens over his head, the cow and calf at the bed's feet. Their constant diet is only salt butter, herrings, and oatcakes; their drink is either simple water, or water mixed with milk, or at best butter-milk." Yet they were "a people sooner to be drawn by the ears than dragged by the cloths (easily persuaded but with difficulty compelled), and therefore for above two hundred and forty years have they persevered in their loyalty and have been constant idolaters of y^e^ Stanleys, who never forced, but rather courted, their consent to new laws and impositions. They never mutinied, never rebelled. Wherefore y^t^ character y^t^ was given (and is related by Plutarch) of Marius, his Moyles, may fitly be applied unto these Manksmen, a people painful and willing to do whatsoever their Lords shall command without grudging or reluctance."

The laws were severe. The gallows were kept in readiness for the felon, the whipping-stock for the beggar and the idle. But the severity of the laws tended to work their own cure. Theft of goods not worth sixpence was not apparently accounted felony, and juries were accordingly accustomed to find that the goods which the prisoner was accused of

stealing were not worth that sum. In 1629, during the governorship of Edward Christian, Tynwald addressed itself to the difficulty.

"As in every well-ordered commonwealth, wholesome statutes, orders, and laws, answerable to the times, are usually invented, prepared, and enacted for the purpose of avoiding such present and future annoyances, inconveniences, and losses, as the magistrates find the members thereof to be subject unto and suffer;" so it was enacted, among other things—

"1st. That whensoever any thief shall be found to steal either mutton, sheep, goat, swine, &c., the same shall not be priced by the jury of indictment (as hath been accustomed), who sometimes valued such stollen goods under the value of vid., thereby out of a foolish, petty, and partiall regard, to extenuate the rigour of the law in favour of the malefactors, but that every sheep, &c., of what age or worth soever it be, being stollen, shall hereafter be found to be fellony in the offender to death *ipso facto*, upon the inquisition taken, without valuing or distinguishing the price.

"2nd. Stealing and cutting of beehives in gardens shall be fellony in like manner to death, without judging the price.

"3rd. Also, whereas such as have stolen turff, ling, gorse, robbed gardens, clipped other men's sheep, stollen corn and hay out of fields and haggards, stollen geese, hens, ducks, or comitted such like pillfereys and fellony, have all of them been connyved at and slightly let pass: Be it therefore ordained that all such manner of theft, if it amount to the value of sixpence, shall be fellony to death in the offender; and, under the value, to be whipped, or set upon a wooden horse, ordained for such offenders at the discretion of the Captaine; and least the simple jurors, who in such cases may be doubted, will not enter into due consideration of such fellony, and esteem to their full worthe: Therefore every coroner, soe often as cases for

inquirey of these fellonys, happen to fall out, shall choose and impanell of the most sufficient men in the parishes to be the jurors."

Offences against property under the two first sections were, in other words, to be always punishable by death; under the third section, were to be always tried by jurors of substance.

"Good and wholesome laws," in the opinion of those who have, are usually directed to the repression of those who have not; and the laws of Governor Christian were not perhaps much more bloodthirsty than those which disgraced the English Statute Book at the commencement of the nineteenth century.

In Blundell's time the government of the Island was almost exclusively in the hands of strangers. With the exception of the Deemsters, none of the principal officers was a native of the island, "y^{t} is of y^{e} Manks breed, born in Man; but they were English born and of [Lord Derby's] own county of Lancashire, and the most of them his tenants."

Chaloner's account is less flattering than Blundell's. With him, the poverty of the island is its greatest security; while its trade, "in regard it produceth not any commodities of value, neither is improved by way of manufacture, nor hath merchants nor shipping belonging to it, hardly deserveth a chapter by itself." Sacheverell, at the end of the century, adds some other touches. He observes that Governor Greenhalgh had taught the people the art of liming their lands, and that the better sort were improving the breed both of their cattle and of their horses. He adds the important fact that the militia consisted of about 2000 men, a circumstance which indicates the probable population of the island at from 12,000 to 15,000 souls.[1]

[1] Sacheverell, therefore, indirectly confirms Wilson's estimate that the population consisted of 13,971 persons. Life of Wilson, p. 125.

From these various accounts it seems possible to derive some idea of the condition of the people in the seventeenth century. Most of them seem to have lived amidst circumstances which remind the reader of the lot of the Scotch crofter or the Irish cottier. But the island was more fortunate in its situation, in its climate, and in its soil, than Western Ireland or the Outer Hebrides. Its autonomous institutions gave it, moreover, the advantage of a resident gentry, who, whether they were introduced to it by Lord Derby or were Manx men by birth, must have had some influence in leavening the people among whom they dwelt. The island, therefore, was at once more fortunate, and had the potentiality of a much better fortune, than was in store for the Hebrides, with which it had been once so closely connected. During the next two centuries it was destined to undergo many vicissitudes; but none of the changes through which it passed interfered with the development of its resources, or with the growth of comfort amongst its people.

CHAPTER XI.

CHURCH DISCIPLINE.

THE Restoration in Man was followed by the same consequences as the Restoration in England. Episcopacy, which had been abolished in 1643, was almost immediately restored, and Lord Derby selected for the bishopric Samuel Rutter, who had been his father's chaplain and his own tutor, who for many years had held the Archdeaconry of the Island, who had been present at the memorable siege of Lathom House in 1644, and who had advised the surrender of Castle Rushen in 1651. Rutter[1] died in the first year of his episcopacy, and was succeeded by Isaac Barrow, who must not be confounded with his more celebrated namesake and kinsman, the Master of Trinity. Barrow, who was not only Bishop but Governor, or, as the Manx say, the last of the Sword-Bishops,[2] was

[1] Rutter is now chiefly recollected from the singular inscription which wa placed on his monument at Peel; and which, lost for the best part of a century, was found and replaced on his tomb in 1875:—

In hac domo—quam a vermiculis
Accepi confratribus meis—Spe
Resurrectionis ad vitam
Iaceo Sam: Permissione divinâ
Episcopus hujus insulæ.
Siste lector: Vide ae Ride
Palatium Episcopi.
Obiit xxx. die Mensis Maij. Anno 1662.

[2] A Bishop who had the governorship was known as a Sword-Bishop. Barrow, on his death, bequeathed his lease of £20 per annum, which had been purchased from Lord Derby, of the lands of Ballagilley and Hango Hi l

translated to St. Asaph in 1669. After his translation three men of inferior reputation successively held the bishopric. On the death of the last of these three, the See was left vacant for four years, when Lord Derby succeeded in prevailing upon Wilson to accept it. For the next fifty-eight years Wilson retained the See, refusing translation in the well-known words, "I will not leave my wife in my old age because she is poor."[1]

On one side of Wilson's character it is needless to say much. Some of his more familiar writings are the common property of Christendom; and his "Sacra Privata" is numbered among the most popular of devotional books. His private life was as beautiful as his written word. At the commencement of his career he set aside one-fifth of all his income for pious uses;[2] he largely increased the amounts of these benefactions as he advanced in years;[3] and, when famine approached the Island, with its helpmate pestilence in its train, his large-hearted generosity did much to alleviate distress and to mitigate disease.

Religion derived a distinct benefit from the excellence of his example and the energy of his administration. Many of the parish churches in the Island were built or restored in his episcopate. He repaired and improved his own palace and promoted the erection of houses for his clergy. In an age, when the advantages of education had obtained no public and little private recognition, he strenuously endeavoured to establish schools in every parish; and he laboured to increase, both from his own resources and from other contributions, the inadequate endowments of his parochial clergy. In all these

"towards the maintenance of three boys at the Academic School." More than a century and a half after Barrow's death this bequest led to the foundation of King William's College—an excellent public school, which attracts boys from almost all parts.

[1] Keble's Wilson, p. 767.

[2] Ibid., p. 63.

[3] Ibid., p. 493.

matters Wilson was a model bishop. If he were to be judged by them alone, the verdict of posterity would be unanimous in his favour. Unhappily his proceedings in other respects have estranged from him the sympathy which would otherwise have clung to his memory.

One act of vandalism indeed which the Bishop committed may perhaps be ascribed to the tendencies of the age in which he lived. He stripped the lead off the chancel of the venerable cathedral at Peel in order to provide for roofing a new church in a neighbouring parish, accelerating by this conduct the ruin of a building which was already falling into decay. One act of authority, moreover, the historian may leave to the ecclesiastic to criticise; for the Bishop sanctioned the marriage of a man whose wife was alive, but who had been convicted of a capital offence, though her sentence had been commuted for one of transportation on her undertaking never to return to the Island without the Lord's permission.[1] In judging the Bishop's career, it is safer to confine the reader's attention to his views on church discipline, which it is impossible to defend, and his political achievements, which it is happily as impossible not to admire.

Very early in his episcopate the Bishop showed a commendable determination to enforce morality among a clergy whose conduct was in some instances lax. In 1699 he suspended the vicar of the parish in which he lived for unchaste conduct, and in 1704 he revoked the orders both of priest and deacon

[1] The Bishop assented to the man's petition in these words: "I have considered yor petition, and I find nothing in it contrary to ye rules of our holy religion, or ye ors [orders] and determinations of learned and judicious Christians in all ages; and therefore I give you liberty to make such a choice as shall be most for yor support and comfort, and I pray God to direct you in it. (Signed) THO. Sod. and Man." Keble's Life of Wilson, p. 108. The evident consternation of Wilson's orthodox biographer at this decision is very amusing.

of another vicar for similar irregularity.[1] In 1711 he sentenced a layman, who was a very grievous offender, to do penance in seven parish churches, while in the same year he excommunicated another similar offender, only granting absolution after he had done penance in nine churches.[2] Women guilty of unchastity were even more severely dealt with, being ordered "to stand at the church door, Sundays and holidays, at matins and evensong, till the minister and congregation be convinced of their true penitence." One woman was not only excommunicated, but imprisoned in the Bishop's prison.[3] In 1714 the Bishop ordered a bridle to be made, "as a terror to people of ill-tongue." And a poor wretch, "who had taken upon himself falsely to be father of an illegitimate child," was ordered "to stand for one hour, during the height of the market, with a paper upon his breast expressing his crime, in each of the four towns." And if he should refuse, "the court will order him to wear the bridle also." A woman found guilty of four distinct slanders was about the same time sentenced to "a fortnight's imprisonment, and to wear the bridle three market days at the cross at Castletown."[4] A wretched, half-witted woman, the mother of three illegitimate children, was dragged, by the Bishop's orders, after a boat in the sea at Peel Town at the height of the market; and this form of ecclesiastical punishment appears to have been adopted almost as a mere matter of course.[5]

How prevalent discipline was, and how injurious, may be inferred from the remarks of an independent observer. George Waldron was residing in the island when the discipline was at its height. He was no one-sided critic, for he distinctly states that he wished to restore the discipline of the primitive Church, and he has placed on record the many amiable qualities which,

[1] Keble's Life of Wilson, p. 142. [2] Ibid., p. 285.
[3] Ibid., p. 369. [4] Ibid., p. 362. [5] Ibid., p. 296, and cf. p. 350.

he says, adorned Wilson's character. He declares, indeed, that Wilson rather complied with than approved the discipline which he enforced, "being in his own nature what our blessed Saviour recommends, mild, humble, tender, compassionate, and forgiving." Yet this is what Waldron has to say of the ecclesiastical system:—

"Over the elder people of the island, these men [the clergy] reign with the joined power of spiritual pastors and masters; their injunctions, for they cannot properly be called instructions, are delivered from the pulpit in harangues, which go by the denomination of sermons, in which are never heard the divine attributes asserted, or any article of faith proved from Scripture; sometimes, indeed, they preach up a moral duty, but the chief and most frequent subject of their discourses is the power of the priesthood and the discipline of the Church. These doctrines they thunder out, as the Pope does his Bulls, with an anathema tacked to them, and enforce them by a strong argument called Kirk Jarmyns [the ecclesiastical prison in the crypt of German cathedral] on all who are disobedient or unbelieving.

"The discipline of the Church being perpetually dinned into the ears of the laity, and the indispensable obligation of submitting to it, the abject creatures are drove to prison like sheep to a fold, and from thence to public penance, as quietly as those beasts are to the slaughter; deterred, on the one hand, from murmuring by the threatenings of severer punishment, and persuaded on the other that patient submission to the inflictors is the supremest merit in the eyes of Heaven.

"How little the methods taken by this court to prevent [unchastity] have succeeded, may be known by the great number of offenders, which are every Sunday doing penance for it in their churches; and in my opinion draw on a more

pernicious evil than that which they design to avoid. If the least familiarity is observed between persons of a different sex, they are immediately summoned to the communion table, and then obliged to swear themselves innocent, or endure the shame and punishment ordained for the crime. This they call purging, but it is so far from being worthy of that name, that many, to avoid public disgrace, add the sin of perjury to the other, and take the most solemn oath that can be invented to a falsehood. Innumerable are the instances I could give of this truth. . . .

"As the Earl of Derby, though styled Lord of Man, might justly enough be called king,—all causes, except in the spiritual court, being tried in his name, and all warrants for life and death signed by his hand,—his utmost endeavours have not been wanting to curb the assuming power of the ecclesiastics. As, for example, when the sumner comes to apprehend any person for an offence committed, or said to be committed, in that court, had the person so seized courage enough to refuse going to prison under his conduct, he cannot be compelled, because the soldiers of the garrison have orders from their commanders never to be aiding or assisting to any such commitments. Hence it follows that the spiritual and temporal powers are at the extremest odds with each other; and were it not for the blind obedience the laity pay to their ghostly fathers, the former would soon be subjected." [1]

As a means of checking immorality the discipline thus carried out proved a signal failure. The wretched woman, for instance, who was drawn through the sea behind a boat at Peel Town, was presented, a few years later, for the same offence, sentenced a second time to the same dreadful punishment, and required to perform penance in every parish church in the island. Discipline, in fact, failed to secure purity even

[1] Waldron, A Description of the Isle of Man, pp. 114–124.

among the clergy and in the Bishop's own household, and the profane in the diocese had ample cause for scoffing in the notorious irregularities of the Bishop's servants.

The Bishop's ideas of church discipline, moreover, brought him into conflict with the civil power. The Clerk of the Rolls, one of the chief officers of the island, was thrown into prison, and, when he prayed to be heard in his own defence, the Bishop endorsed the petition with his own hand, "That such petition was not customary and would not be allowed."[1] But the Bishop's quarrel with the Clerk of the Rolls was as nothing compared with his conflict with the Governor. If it be permissible to compare small things with great, the struggle between Henry II. and Becket was renewed on a mimic stage, and the contests of the twelfth century were renewed in the eighteenth in the little Island of Man.

During the earlier years of the Bishop's rule, indeed, the Church did not come into collision with the civil power, and the civil power did not interfere with the Church. Successive Governors aided the Bishop in carrying out his sentences, placing soldiers at his disposal to arrest his prisoners and to enforce the orders for dragging incorrigible women behind boats. In 1714, however, a new Governor, Captain Alexander Horne, was sent to the Island. Very little is known of the career and character of this gentleman, who was destined to play the part of Henry II. in a little island. He seems to have been a person of only moderate ability and still more moderate attainments, but he seems also to have been jealous of his own authority, and to have been a firm supporter of the Hanoverian succession. He reached the island at a moment when the position of the House of Hanover was not secure. The Pretender was making the attempt on the throne which was practically suppressed at Sheriffmuir. High Churchmen

[1] Train, vol. i. p. 356.

in England were notoriously sympathising with the claims of the House of Stuart, and Horne seems to have imagined that so distinguished a Churchman as Wilson must necessarily have been animated by the same sentiments.[1] Political questions, with which the Island had no immediate concern, raised differences between Governor and Bishop at the very outset; and differences, when they once arise, have a natural tendency to become intense. The Bishop probably thought the Governor's suspicions unjust; the Governor was led to distrust the Bishop; and the ground was accordingly prepared for a very pretty quarrel.

The quarrel first broke out upon an unworthy subject. Mary Henricks, the wife of a Douglas publican, misbehaved herself, was prosecuted for misconduct, censured, and ordered to do penance. She proved stubborn and rebellious, and, refusing to comply with the orders of the Church, was formally excommunicated.[2] But this "tremendous censure," as the Bishop himself called it, only affected poor Mary's eternal

[1] Keble's Wilson, p. 361.

[2] As an illustration of ecclesiastical discipline, it may be well to quote the words of excommunication:—"We have . . . in the name of our Lord Jesus Christ, and by His authority, cut off and excommunicated the said Mary Henricks from the Body of Christ, which is His Church, and from all hopes of mercy through His merits, until she shall be reconciled by penance, and received by a judge that has authority to do so. And to the end that she may be held by the whole multitude of believers as an heathen and publican, and that all Christians (as they are obliged by the express command of the Apostle and the laws of the Church . . . to refrain the company of persons excommunicated) may avoid all unnecessary communication with her, that she may be ashamed, we do require the Vicars of Kirk Braddan and Kirk Onchan, and the Chaplain of Douglas, to publish this our Act to their respective congregations, lest they be partakers of her guilt and punishment. And if the said Mary Henricks (which God forbid) should die under this dreadful sentence, we do require all our clergy to observe the rubrick before the Office for the Burial of the Dead, and not to suffer her body to be interred among the faithful within any church or churchyard. Given, &c. THO. Sodor and Man." Keble's Wilson, p. 367.

state. In addition, she was committed to St. German's prison. Tens of thousands of persons are familiar with the damp subterranean crypt below the ruined cathedral which served as a gaol; and Wilson's biographer, in noticing the transaction, declares that "the delivery of the criminal in body as well as goods seems to have implied a kind of penal servitude either for life or for a term of years."

Poor Mary Henricks, however, with this dreadful punishment before her, appealed from the Church to Cæsar, and the Governor forwarded her appeal to Lord Derby. Lord Derby ordered the appeal to be heard before him in London; and, as the Bishop did not choose to appear either by himself or his proctor,[1] he directed that no person should "anywise insult, molest, or disturb the said Mary Henricks," and that his order should be published at the market cross at Douglas and at Kirk Braddan Church. And, on the Bishop's making an elaborate reply that the appeal in spiritual matters lay to the Archbishop of York and not to the Lord, the Governor, sitting with his Deemster, controller, and water bailiff, fined the Bishop £10 for contempt.[2]

The issue between State and Church was now plainly stated. The State, like Henry II. six centuries before, was maintaining its own supremacy. The Church, relying on an English statute passed in the reign of Henry VIII., was contending that the ultimate appeal in spiritual matters was to York, and not to Knowsley. The State, in its contention, rested on the advice of the Deemsters; the Bishop had at his back the vicars-general; and, believing that the people were with him and not with the Governor, he asked that the Deemsters and twenty-four Keys might be called together, he and the vicars-general, who are the Lord's sworn judges for ecclesiastical affairs, being present, "to deem the law truly in this great and high

[1] Keble's Wilson, p. 376. [2] Ibid., p. 393.

point."[1] And Governor Horne, in refusing this request, put the position of the State on still firmer ground than it had previously occupied.

"Your Lordship knows very well that a complaint of this nature is not cognisable before the twenty-four Keys, but properly before the Right Honourable the Lord of this Isle, who is also Metropolitan and Chief of the Holy Church of this Island."

And, though the Bishop carried his complaint to Knowsley, and, after procuring a copy of the 3rd Henry VIII., ultimately obtained a remission of his fine, the claim of the Governor that the Lord was the head not only of the State but of the Church was not withdrawn.[2]

This unseemly controversy, which has been related in a few sentences, was protracted over many years. Mary Henricks was presented for her offence in 1716, and the fine on the Bishop was only remitted in August 1719. And the lengthened struggle did no good to any one; it ended in something like a stalemate: the delinquent was not imprisoned, and the fine on the Bishop was not levied. Even poor Mary, the humble unfortunate round whose body the hot contest had raged, did not derive much advantage from the issue; she was saved the terrible hardships of confinement in the damp crypt of St. German's, but she was exposed to the greater tortures which the Church reserved for those whom it placed out

[1] Keble's Wilson, p. 396.

[2] The contention of the Bishop that appeals from the spiritual courts of the Island lay to York long continued doubtful. Sir Wadsworth Busk, who was attorney-general in 1791, wrote:—"In affairs merely spiritual, the appeal from these courts was to the Archbishop of York, in all others to the Governor; a vague distinction, which was the source of continual disputes." Manx Soc. Pub., vol. xxxi. p. 110. Sir W. Busk, however, did not notice Governor Horne's contention that the appeal lay neither to York nor to the Governor, but to the Lord as head of the Church.

of communion: wandering "from place to place in a miserable destitute condition, being y^t^ every person, tho' of nev^r^ soe great acquaintance, are in noe mann^r^ willing to give y^r^ poor petitioner reliefe or lodging soe long as she remains excluded out of the Church." No Irish landlord, suffering from the tyranny of the Land League, ever suffered such misery as was the lot of this poor woman, who, after enduring her hardships for half a dozen years, prayed for reconciliation. And the Bishop at the time, as well as his biographer in our own time, persuaded themselves that submission due to distress was evidence of repentance, and proof of the salutary effects of ecclesiastical discipline; and so poor Mary, after doing penance in six churches, was absolved and received into the peace of the Church, and the curtain drops on her unhappy story.[1]

But, before the curtain fell on this melancholy drama, the contest was renewed round more prominent personages. In 1719, Mr. Robert Horrobin, the curate of Warrington, was appointed by Lord Derby to the Archdeaconry of the Island. At or about the same time he became chaplain to the Governor. Soon after his arrival, he preached a sermon at Castletown on the text, "He shall reward every man according to his works;" when, according to the sworn testimony of Mr. Ross, a clergyman—who, however, had been himself suspected of Romish tendencies—he said some "very shocking things," arguing that "great and good actions, wherever found, were sufficient to obtain the rewards of another life."[2] In 1720 the Archdeacon went a step further. Preaching on the text that "God sent not His Son into the world to condemn the world, he taught, or was generally thought to teach, that the heathen are in a state of salvation if they live according to the light of nature." A gentleman living in Castletown

[1] Keble's Wilson, p. 551. [2] Ibid., pp. 425, 426.

expressed with freedom his opinion on the sermon, and the Archdeacon was irritated into denouncing him as "an injurious person and a calumniator."[1] A miserable little storm in a miserable little teacup should have been disregarded by every one in authority. Wilson, unhappily, took the contrary course of summoning the Archdeacon and his accusers before him. The proceedings, which were thus commenced at the beginning of 1721, made little progress; and in the following October the charge against the Archdeacon was renewed by a young widow, Mrs. Puller. This young lady, who seems to have known very little about doctrine, was made uneasy by a sermon of the Archdeacon's on absolution, which contained views contrary to those she had heard expressed by Mr. Ross. She accordingly borrowed a work "writ by a worthy member of the Church," which gave her great satisfaction, for it showed that Mr. Ross was right and the Archdeacon wrong. Mrs. Puller, like most ladies who reside in small places, had a wagging tongue. She expressed herself with freedom about the Archdeacon's sermons; she declared the Archdeacon to be a man "past grace" or "past all reformation;" and she added she wished he would refuse her the Sacrament, as he would get the worst of it, and she would cause his gown to be stripped off his shoulders.

The Archdeacon had hitherto acted without temper, but he probably regarded Mrs. Puller as the mouthpiece of other and more influential persons; and accordingly, accepting the challenge which she had given, repelled her from the Communion. He communicated his decision to the Bishop, adding that, "if she thought me worth conversing with, I would explain to her more particularly the reasons why I could not in conscience admit her." But Mrs. Puller had no intention of holding any communication with Horrobin. She declined,

[1] Keble's Wilson, p. 428.

notwithstanding the Bishop's advice to the contrary, to wait on the Archdeacon; and accordingly the Bishop summoned both parties to a formal hearing at Bishopscourt. Mrs. Puller arrived on the appointed day, armed with testimonials of her character and piety. The Archdeacon, on the same day, appeared at Bishopscourt; and, on the authority of Mrs. Horne, the wife of the Governor, charged Mrs. Puller with undue familiarity with Sir James Poole, a gentleman residing in Castletown. The matter was adjourned for Mrs. Horne's attendance; and as Mrs. Horne's testimony was not corroborated, and Sir James Poole and Mrs. Puller denied their guilt, swearing "on the Holy Evangelists, on their knees," the matter was so far settled. But ecclesiastical discipline was not satisfied with this solution of the dilemma. Mrs. Horne had been the Archdeacon's witness, and Mrs. Horne's testimony had not been corroborated. In any society Mrs. Puller would have had a right to seek her remedy against Mrs. Horne: but this simple process did not satisfy Wilson and his advisers. They proceeded, without trial, to condemn the complainant's witness. Mrs. Horne, they declared, by her "gross slander," had rendered herself liable to public penance; but they were mercifully pleased to declare that, if she would acknowledge her offence publicly in St. Mary's Chapel, or before the vicar of the parish, asking forgiveness for the great injury done, she should be relieved from the sentence of penance and imprisonment to which she was liable. In the meanwhile she was expressly excluded from participating in the Communion.

Horne, it has already been stated, was not a strong man. Like many weak men, he was himself frequently guilty of arbitrary conduct, and the little that is known of him does not entitle him to be regarded as a hero. The Keys, who throughout the controversy took the side of the Church, drew up a long series of grievances which they experienced under his

administration.[1] On the other hand, it is fair to recollect that throughout the struggle Horne acted on the advice and with the concurrence of his council, and that Lord Derby was able to testify that the persons complained of are honest and very well-meaning men.[2] Whether, however, Horne was worthy of praise or of censure, the ill-judged controversy had reached a stage which he could not but resent. The quarrel had been carried into his own household. The Bishop was striking at his Lord's chaplain and his own wife. The Governor struck back, like a man, at the Bishop.

Yet the Governor, annoyed as he undoubtedly was, continued to act upon the advice of his council. In all that he did, he apparently followed the counsel of his judicial officers and his attorney-general. By their advice he drew up what Wilson's biographer calls "Articles of Impeachment," in which he charged the Bishop with holding convocations without authority, and in which he claimed that the Lord's household was exempt from spiritual discipline. "The Lord's claim," writes Keble with much point,[3] "corresponds with Henry II.'s quarrel against Becket for presuming to excommunicate the king's tenants; and the Bishop's summoning his synod at will was the prerogative of which the other Henry, in the sixteenth century, showed himself so jealous, and which he so effectually extinguished. Thus, as in so many other points, the annals of this small Island of Man prove to be a sort of miniature reflection of far more important histories."

The articles thus prepared by Governor and council were forwarded to the Bishop, who was invited to attend at a Tynwald held at Castle Rushen and reply to them. The Bishop with his vicars-general appeared, but, instead of pleading to the charges, asked that the Deemsters and Keys might be called "to

[1] Stowell's Life of Wilson, Appendix i., p. 331.
[2] Ibid., p. 364.
[3] Keble's Wilson, p. 465.

deem [1] the law truly in this great and high point, viz., whether by the law and practice of the Isle the attorney-general can exhibit accusations against the magistrates, either spiritual or temporal, no appeal being brought in due form against their proceedings by the person pretending to be injured? And whether by a procedure of the kind, in matters purely spiritual, as the particulars charged upon us certainly are, the metropolitical right of the See of York be not manifestly impugned and endeavoured to be set aside?" The Governor and his advisers, however, paid no attention to the request. After hearing the attorney-general, the court proceeded to declare the proceedings of the Bishop and his vicars-general to be irregular and illegal, and required them to retract and cancel their said proceedings upon the registry.

The matter was not suffered to remain in this state. Four months later, as the Bishop and vicars-general declined to comply with this order, the Bishop was fined £50, the vicars-general £20 each for contempt; and, as they refused to pay their fines, they were imprisoned in Castle Rushen.

The cell is still shown at the entrance of the old castle in which the Bishop is said to have undergone the sentence of imprisonment. Damp and miserable, it affected his health, and crippled him thenceforward in the use of one of his hands. But from the moment of his imprisonment he made up his mind to carry the controversy to London. He appealed to the King in Council; and the Council, on the advice of the law officers, gave the appellants the opportunity of paying their fines, without prejudice to the appeal, and of consequently escaping from the rigour of their imprisonment. Two years

[1] Keble's Wilson, p. 467. I have retained the passage, (1) because it is the last instance with which I am acquainted in which an appeal was made to the old machinery, the Deemsters and Keys, "to deem" the law; and (2) because, if Wilson's use of the word "deem" was correct and usual, we apparently need look no further for the etymology of the word Deemster.

afterwards it decided that the judgment and orders of the Governor were illegal, and ordered that the fines imposed and paid should be returned.

Technically the victory was the Bishop's. The judgments and orders of which he had complained had been reversed, the fines had been remitted, his prison door had been opened, and Horne himself either retired or was removed from the government. Popular support too was with the Bishop. The Keys throughout the struggle had been in his favour, the people had cheered him in prison with their sympathy, they cheered him on his release with their applause. But, though the judgment of the Privy Council and the voice of the people were with the Bishop, many circumstances must have tended to diminish the victory. His crippled hand may have thenceforward helped to remind him of the physical consequences which might result to his victims from imprisonment in a far more cruel dungeon than that in which he had been confined; the heavy costs which the appeal had involved may have taught him that victory was hardly less ruinous than defeat; while his own good sense must have shown him that, after all his sufferings, the points which had been decided in his favour were precisely those which were of no significance. All that the Privy Council had done was to declare that the Governor had exceeded his functions in setting aside the decisions of an ecclesiastical court, and that the Tynwald at which the fine was imposed was not duly constituted.[1] The question

[1] Stowell's Wilson, p. 394. The Tynwald at which the fines were imposed appears to have been duly constituted; but the Keys and some members of the council had left the court before the order imposing the fines was made. The Keys distinctly stated that "though we were present at the Tynwald during the whole time of the sitting of the court, and until the same was dismissed as usual, we neither were made acquainted with nor gave our consent to the order you mention, neither was any such order then made or concerted." Ibid., p. 355.

whether the appeal from the Bishop was to York or to Knowsley was not decided; the claim of the civil power that its own officers were exempt from the discipline of the Church was not touched; the right of the ecclesiastical courts to obtain the aid of the civil officers to enforce its decrees was not alluded to.

Though, too, Horne was either removed or retired from his office, the men who were chosen to succeed him showed equal determination in curbing the power of the Church. Horne was followed by a Mr. Floyd or Lloyd, who, after enjoying his office for only a few months, during part of which he was absent from the Island, was followed by a Mr. Horton. Of Floyd or Lloyd we have two accounts. In Keble's pages, Floyd is "the patron of criminous persons," in other words, he did his best to shield the servants of the State from the horrible tortures of ecclesiastical discipline. A very different character of him has been given by Waldron, who wrote a Latin ode in alcaic stanzas in his honour, who describes him as a gallant soldier and an eloquent orator, rightly chosen for the arduous task of government,[1] and urges his return from a temporary absence in England to the little kingdom which had been blessed by his appointment.[2] The excessive panegyric of Waldron may be safely set against the exaggerated strictures of Keble; and the student may conclude that Lloyd was a soldier who had

[1] "Dehinc Imperi te munus ad arduum
Parem evocat Stanleius."

[2] "Statim revertas: nec liceat tibi
Curarum onus deponere; gloriæ
Utcunque pertœso; nec artes
Exuere, Imperiique pondus."

And again:

"Sufficis in novum
Prœconium, Stanleie, magno
Parva beans tua regna Lloydo."

seen good service, and a governor who, without much consideration for religion,[1] was animated by a desire to do his duty.

However this may be, Lloyd steadily clung to the privilege which he asserted, that the officers of the State were free from ecclesiastical censures. He even screened notorious evildoers by appointing them to offices which gave them this immunity, and he as steadily refused to allow the ecclesiastical officers the assistance of the civil power, denying them the aid of soldiers to enforce their arrests. Church discipline, in these circumstances, may have theoretically remained intact. In practice, the thunder was still audible, but the lightning was powerless; and Horton, who succeeded Lloyd, pursued the same policy. So far as the Bishop was concerned, indeed, he had gained little by the substitution of Horton for Horne. Horton appears to have been the worse man and the more powerful opponent. He thwarted in every way in his power the continuance of the discipline. He persuaded Lord Derby, as the crown livings fell vacant, to fill them with persons opposed to the Bishop's policy, and he successfully asserted his right to appoint the chief sumner, the Bishop's principal executive officer.

And so, though the Church had been represented by the strongest and best man who had appeared in the island, though the State had to find its champions in comparatively weak men like Horne and Horton, victory was already pronouncing on the side of the State. The relaxation of discipline followed surely on the proceedings of the Government. The wardens and the grand inquest neglected to present spiritual offenders; offenders, when presented, braved out

[1] Mr. Harrison says that he was dismissed because he had given offence by hunting on a Sunday at the time of divine service. Manx Soc. Pub., vol. xi. p. xi.

their sentences; even the awful name of excommunication lost its terrors when it carried with it nothing but ecclesiastical censures;[1] and, though the Bishop struggled on for some years, the discipline gradually fell into decay, and was ultimately abandoned.

In these days it is needless to express any opinion on the horrid system which Wilson attempted to revive. It is difficult indeed to understand how a man whose kindness shines so pleasantly in all that he wrote and in most that he did should have ever made himself the agent of such a policy. Perhaps his history helps to explain how the Inquisition became a possibility. They, indeed, who believe that eternal suffering is the inevitable doom of those who infringe the commandments of the Church and disbelieve its doctrines, must logically conclude that no discipline can be too severe which is exercised with the object of reconciling offenders. "The sufferings of the present time are not worthy to be compared" with the interminable tortures of an endless hereafter. The best men, the most faithful Christians, become in consequence the worst persecutors; and a Wilson in the eighteenth century wields, and a Keble in the nineteenth century defends, a discipline which shocks the ordinary reader.

The fact that the people—if indeed the Keys of the eighteenth century can be said to have represented the people—sided with the Bishop may induce regret, but ought not to cause surprise. An ignorant and superstitious population is always in favour of strong, and even cruel, measures; and the Manxmen may have enjoyed the spectacle of a wretched woman dragged through the sea, just as the Spaniards enjoyed the spectacle of an *auto da fé*. And the Manxmen of Wilson's time were as superstitious as they were ignorant. Waldron, our chief authority, is full of "the excessive superstition which

[1] Keble's Wilson, p. 690.

reigns among them."[1] Their spiritual masters, he says in another passage, "take care to maintain their authority by keeping the laity in the most miserable ignorance. . . . Some (he adds) who are willing to entertain the most favourable opinion of this people impute their general ignorance to their want of books; but I, who have lived and conversed some time among them, attribute their want of books to their innate ignorance."

Thus, then, in a little island where the arm of the State was weak, and the people were ignorant and superstitious, a good Bishop, endowed with exaggerated ideas about the duties of the Church, was enabled temporarily to revive the discipline of the Middle Ages, and to renew on a minor stage the struggle which Becket, six centuries before, had waged on a larger one. But thus, too, failure resulted from the last effort of the Church to reassert its authority in these islands. The Hornes and the Hortons proved too strong for Wilson, or rather, the genius of the age both animated their resistance and was fatal to his policy.

[1] Waldron says: "I know not, idolisers as they are of the clergy, whether they would not be even refractory to them were they to preach against the existence of fairies, or even against their being commonly seen; for though the priesthood are a kind of gods among them, yet still tradition is a greater god than they; and, as they confidently assert that the first inhabitants of their island were fairies, so do they maintain that these little people have still their residence among them. They call them the good people, and say they live in wilds and forests and on mountains, and shun great cities because of the wickedness acted therein; all the houses are blessed where they visit, for they fly vice. A person would be thought impudently profane who should suffer his family to go to bed without having first set a tub or pail full of clean water for these guests to bathe themselves in, which the natives aver they constantly do as soon as ever the eyes of the family are closed wherever they vouchsafe to come."—*Waldron*, folio edition, p. 126. Superstition is still clinging to the people. A man is still living who, in a period when his cattle were ill, sacrificed one of them at the cross-roads in the hope of curing the plague.

CHAPTER XII.

THE MANX MAGNA CHARTA.

If Wilson's episcopacy had been solely famous for his ecclesiastical policy, it would be difficult to pronounce a favourable opinion of his career as Bishop. Men might agree in admiring the sanctity of his writings, the purity of his character, the charity of his actions; but they would agree also in deploring the harsh and distressing nature of the discipline which it was his chief object to revive. Happily, however, both for his own name, and for the people over whose Church he presided, his desire to promote their spiritual welfare did not prevent him from taking a wise and discriminating interest in their temporal concerns. His high influence, his keen insight into affairs, made him a powerful champion, and he became consequently the leading agent in securing for the Manx a great measure of reform. Thus, while head and heart are equally unable to follow the Bishop in his great effort to revive discipline, heart and head concur in commending his statesmanship. As a Bishop, Wilson lived some centuries too late; as a statesman, he was a century before his time.

In the Isle of Man, when Wilson was installed, as in Ireland a generation ago, the tenure of real property was the chief domestic question. The policy of Goddard Crovan, after his victory at Sky Hill, had made the people mere tenants at will; but in a disturbed, sparsely populated country this cir-

cumstance imposed little disadvantage upon them. The king required tenants for his land, and for many centuries there was more land to till than there were men to till it. Hence, as has already been noticed, no one was allowed to leave the Island without the license of the lord; and a special law was made that the tenants should reside on their farms, and manure and occupy their land to the best of their power.[1]

While such principles as these regulated legislation, Goddard Crovan's settlement could not have had much significance; and, when the termination of the long struggle between England and Scotland introduced the Manx, for the first time in their history, to a period of peace, the people began to show some signs of the progress which is the result of good government. Sacheverell tells us that they "began to build and make some small improvements, to promote which the better there was an order made which at least allows, if not commands, the enclosing their respective farms; and the Lords, for their further encouragement, complimented them with the kind words of title, descent, inheritance, heirship, that the people might believe their country worth improving and defending; so that by degrees they came to be reputed customary tenants, and paid only a small gratuity, viz., a single rent on the change of every lord, instead of fines."[2]

Thus, in the course of centuries, a custom had arisen which had entirely altered the whole conditions of land tenure in the Island. The tenant at will had obtained fixity of tenure, but the tenant had still no right to alienate his land without the Lord's permission. On the contrary, a Statute of 1582 declared any such sales and alienations made without license void.[3] But, in defiance of the Statute, such alienations constantly took

[1] Ante, p. 120. [2] Manx Soc. Pub., vol. i. p. 66.
[3] Statutes, Isle of Man, vol. i. p. 58.

place. "Occupancy," to quote Sacheverell again, "was given by the delivery of a straw, which was the custom of all bargains of England in those days, from whence our lawyers use the word 'stipulate,' because the contract was verified *per traditionem stipulæ*."[1] This delivery seems to have been recognised by the courts, and to have been confirmed by authority; for in 1607, during the long interval in which the succession to the insular throne was in dispute, James I., by letters patent—in which he claimed the extraordinary right, "as wholly appertaining to us from the fulness of our power, at our free will and royal pleasure, to make, declare, and ordain, in all such territories, countries, and places, which have been acquired by the force of our arms, such ordinances and laws which all our subjects residing in those parts may be obliged to observe"—directed that land should be alienable in the Isle of Man, notwithstanding any law to the contrary.[2]

The great Earl of Derby never tolerated the order of 1607, and in 1645 procured its abrogation. The people were either persuaded or forced to accept leases of the lands which they held. But the change led to much resentment. The land question became thenceforward the chief political question in the Island. It was the true cause of Christian's rebellion; it increased the difficulties which Lady Derby had to face; it ensured the troops of the Commonwealth a ready reception in the Island; it remained a fruitful source of disaffection after the Restoration.

In fact, the great Lord Derby's legislation had made the position of the tenantry worse than ever. If under Goddard Crovan's settlement they had been, strictly speaking, tenants

[1] Manx Soc. Pub., vol. i. p. 66. Trench, Study of Words, p. 170, gives the same derivation to the word, but Skeat (Etymological Dict.) denies this origin of it.

[2] Manx Soc. Pub., vol. xii. p. 44.

at will, custom had given them an undisputed right of succession to the acres which their forefathers had enjoyed before them. The utmost that previous Stanleys had done was to deny the right of the landowner to sell his land without the Lord's license; they had assented to or acquiesced in the right of inheritance. But Lord Derby's famous measure had deprived them of this advantage; the people had become mere leaseholders; for twenty-one years, or for a period covered by three lives, they might enjoy the undisturbed possession of their farms. As the lives fell in or the period expired, their security was taken from them.

The new tenure, moreover, was opposed to the traditions and to the customs of the people. However well it may have been adapted to Lord Derby's own tenantry in Lancashire, it was inapplicable to his subjects in Man. The same circumstances, in fact, which made the leaseholder a difficulty in Ireland made the leaseholder a difficulty in Man; for in Man, as in Ireland, the only function which the Lord discharged as a landowner was the receipt of his rent. As a general rule, the land was drained and fenced and the buildings on it erected by the tenantry. It is true that the buildings were miserable, and that the farmer too frequently shared his humble dwelling with his poultry or his sheep. But, as with the Irishman in our own time, the land with the buildings upon it was all that the Manxman had; with him, as with the Irishman, the loss of his land was a sentence of death.

Bad as the tenure was, it tended from its very nature to become worse; every year which passed, every life which fell in, reduced the security of the tenantry. The prospect of obtaining renewals of leases on favourable terms seemed consequently to depend not on the improvement, but on the impoverishment, of the holding; and, like the Irish

in our own time, the Manx had a direct inducement to affect a greater poverty than that which they felt. Thus a state of things had arisen which was bad for the people and bad for the Lord; progress and prosperity were impossible while the measure of the seventh Earl remained on the statute-book.

Bishop Wilson had the merit, on reaching the island, to detect at once the cause which was ruining the people, and he had the courage to bring it pointedly to the notice of Lord Derby. No man was higher than the Bishop in the good opinion of the then Earl. He had almost forced Wilson into the bishopric, and the Bishop was in the habit of remonstrating with him on his conduct in not discharging his just duties in Lancashire in terms as plain as they were wise.[1] He apparently took an early opportunity of drawing his young patron's attention to the condition of his tenantry, and at the end of 1699 Lord Derby was either persuaded or consented to come over to the island and see matters for himself. Probably on Wilson's advice, he at once issued an important document which he addressed to the coroners of the several sheadings:—

"My will and pleasure is, that, upon receipt of this my order, you signify to all my tenants within your sheading that I am come amongst them on purpose to settle them in their several holdings and tenures; that I am ready to do this, and to receive their several proposals; that I am sensible of the great loss and inconvenience it hath been both to myself and to them to have things left so long under uncertainties; that therefore I now give them liberty to make immediate application; to which purpose I have appointed the Right Rev. the Lord Bishop of this isle to receive their several proposals, to whom they may from time to time apply them-

[1] Keble's Wilson i. 68–73.

selves, and who hath my directions to render these proposals to me."

William, Lord Derby, the author of this proposal, is not included among the great men of the Stanley family. He did nothing like the first Earl, who turned the tide at Bosworth; or the seventh Earl, who lost his head at Bolton; or the fourteenth Earl, who became three times Prime Minister. But perhaps no member of the family ever issued a more sensible and statesmanlike document. Unhappily, however, Earl William did not live to carry out his sagacious policy. He died in 1702, and was succeeded by his brother, James. Wilson had some reason for anxiety at the change. He had not the influence with Earl James which he had enjoyed with his brother. But the new Lord fortunately saw the advantage of continuing the negotiations which his brother had commenced, for, as he put it, "y^e^ sooner y^e^ Island can be settled on a good bottom, it will be mutch better both for y^e^ Island and myself."

Things, therefore, were evidently ripe for settlement, and in the course of 1703 the Keys drew up their formal proposals, committing them to the charge of three members of their own body, landowners of position and influence, whom they authorised to treat with Lord Derby on the whole subject. Lord Derby, on his part, deputed the Governor of the island, the Bishop, and a Mr. Starkie, an English country gentleman, to conduct the negotiations on his side; and finally, in September, consented to the terms on which the six commissioners had agreed.[1]

Speaking broadly, there were three kinds of property affected by the settlement: (1) land which had always been the property of the Lord, and which was divided into quarterlands; (2) land which had originally been the property of the Lord,

[1] Keble's Wilson, p. 187.

but which at various periods had been granted to the great religious foundations, and had only reverted to the Lord after the suppression of the monasteries; (3) encroachments on the Lord's land, whether quarterland or common land, which had been appropriated by private individuals, and which were known as intacks.

The tenants of quarterlands, of abbey lands, and of intacks appropriated before 1643 were all included in the benefits of the settlement. All of them were given fixity of tenure at their existing rents. All of them were confirmed in their ancient customary estates of inheritance in their respective tenements. All of them were accorded a right of alienating their property. In return for these great privileges, tenants whose leases were expired, by the lapse of all the three lives or of time, were to pay the same fine which had been paid on the original grant of the leases in 1643;[1] tenants whose leases had not expired by the lapse of lives were to pay two-thirds of their fines; while on each change of tenancy, either by death or alienation, one-third of the same fine was to be payable.

So far for the general principles of this great settlement. Where intacks had been taken out of the commons since 1643, the tenants were again confirmed in their holdings, though the fines in their cases were to be determined by the Governor, three of the Lord's officers, and three of the Keys. Where intacks had been taken out of the highways (such intacks and cottages being complained of as great nuisances), they were to be given over to the tenant of the adjoining land. But the cottager was to be continued in his tenancy at such reasonable rent as could be agreed upon between him and

[1] Tenants of the abbey lands were dealt with on the same principle, though their fines were assessed on a composition made in 1666, and not on that made in 1643.

his new landlord; or in default of agreement, as was fixed, by the Court of Chancery; but, if he resisted the decision of the Court, he was to be ejected from his cottage, receiving such compensation for the improvements he had made as a jury of four sworn men might give him. Where, however, the effect of the intack had been to reduce the width of the highway, the road was to be enlarged out of the said intack to a width of eighteen feet.

The Lord claimed, in addition to the surface of the soil, quarries of slate and stone. His tenantry were thenceforward given free liberty of "digging, raising, and disposing of all sorts of stone and slates upon their respective tenements," for their own use and for the use of their neighbours. And similarly the proprietors of quarries of limestone were compelled to allow their neighbours to dig limestone, paying only "such moderate and reasonable satisfaction as the Governor shall think fit to order and allow."

Such were the chief provisions passed in the interests of the tenantry by this remarkable statute. The importance which was ascribed to it at the time is visible in its title, for it is called the Act of Settlement; and the Act which bore that name in the United Kingdom was the great measure which secured the succession of the throne to the House of Hanover. The benefits which later generations have experienced from it may be inferred from the name which has since been regularly but more familiarly applied to it, for it is now known as the Magna Charta, the great charter of the Manx people.

One other proof may be deduced of the importance which was attached to it; for, after the sale of the Island to the Crown, the Tynwald court seems to have felt some apprehension about the validity of some Acts which had merely received the assent of Lord Derby, and, as a measure of precaution,

decided on their re-enactment. Foremost among these measures was the Act of Settlement; and, in sending this Act to London for the royal assent, the Legislature prefixed to it a remarkable prefatory memorandum.

"The ancient feudatory tenures of the Isle between the Lord and his tenants having in the year 1643, by undue means, been changed into leasehold estates, the regular course of descent, which before had flowed in an easy uninterrupted stream, was thereby clogged with difficulties not to be born, (*sic*), the tenants grew dissatisfied, and much litigation ensued, which tended to dissolve all harmony and subordination between them and their chief, so essential to their mutual interest and happiness; for remedy whereof the Act of Tynwald, commonly called the Act of Settlement . . . passed at a Tynwald court holden at St. John's Chapel within the said Isle, the fourth day of February, in the year of our Lord 1703."[1]

The joy with which this Act was received at the time, the care with which it was re-enacted by the grandchildren of the men who first obtained it, the approval which has won for it the name of the Great Charter, are not surprising. Such a piece of legislation was perhaps never accomplished in any other nation of the world. The conversion of a whole nation of leaseholders into perpetual tenants at a low quit-rent is a measure from which even the Parliaments of 1868 and 1880 would have recoiled. What the boon was may be partially understood by figures. The rateable value of the island outside the towns amounts now to about £180,000 a year. Excluding mines, buildings, and other properties, the purely agricultural rental may perhaps be placed at £100,000.

[1] The Act was passed on what would now be called the 4th February 1704, but on the day which, at that time, would, strictly speaking, have been described as the 4th February 170$\frac{3}{4}$.

The Lord's rent, in other words the rent secured to the Lord under the Act of Settlement, does not reach £1500. The whole of this difference, that unearned increment which the landlord almost everywhere appropriates, has remained with the tenants under the provisions of this great measure.

Such was the Act of the tenth Earl of Derby, the last Earl of Derby who reigned in Man. More than a hundred and forty years afterwards one of his successors was the spokesman of a Government which attempted to remedy a similar grievance in another country. Ireland, in this matter, as in other respects, furnished an exact parallel to the Isle of Man. Much of the land was held on leases for lives. The uncertainty of the tenure was admitted to paralyse all exertion and to place a fatal impediment on improvement. In Ireland in 1845, just as in Man in 1703, a commission had been inquiring into the system, and had suggested a remedy. The recommendations which the Devon Commission suggested, bold as they were considered at the time, were far less drastic than those which Wilson and his colleagues persuaded the tenth Earl of Derby to adopt. The remedy which the fourteenth Earl of Derby asked the House of Lords to apply in 1845 was far less efficacious than that to which the tenth Earl had voluntarily agreed, or even that which Lord Devon and his colleagues had recommended. Yet the House of Lords would not even listen to the proposal which was made to them, and Irish tenants remained at the mercy of their landlords till another Minister, more earnest and more resolute than Lord Derby, obtained for them some remedy for their grievances in 1870.

It is, indeed, difficult to imagine what the condition of Ireland would have been to-day if the grievances of Irish tenants had been redressed in 1845, or even in 1869, on the broad

lines on which the Act of Settlement was drawn. Tenant wrong would have been turned into tenant right. Outrage might have ceased when the chief cause for it was removed, and the Irish, like their Manx neighbours, might have become a loyal, contented, and conservative people.

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CHAPTER XIII.

THE ACCESSION OF THE ATHOLES.

THE measure, whose passage has been related in the preceding chapter, would have been remarkable in any country and in any age; but it was of especial importance at the time at which it was passed, because the Manx people were soon afterwards to be deprived of a profitable though discreditable calling, and were consequently free to devote their energies to the more regular and reputable pursuit of the cultivation of the soil.

From the first mention of the Isle of Man at the dawn of history, we find that its inhabitants had taken advantage of their geographical position to derive some illicit gains from the nations which surrounded them. Mananan MacLir had exacted only rushes from his Manx tenantry, but he had probably levied much more valuable contributions from the vessels which conducted some sort of traffic on the adjacent coasts. Edwin of Northumbria, some centuries later, would never have attempted to seize on a distant island if he had not desired to establish that order on the sea which he had succeeded in maintaining on land; while, in the centuries in which the Norse had held the island, they had used it as a *place d'armes* from which they had issued on the expeditions which carried terror to the surrounding countries. Thus the people in the earlier ages with which history deals had been accustomed to gather spoil from the vessels which passed their

shores or the nations which lay near them. With the rule of the Saxon the opportunity for these irregular enterprises was lost, but the old courage which had prompted these exertions survived; the old lawlessness which had occasioned these acts of warfare remained; and the Manx were still ready to seize any new chances of wealth which fortune threw in their way, without inquiring too closely into the rights or wrongs of the plunder which they could obtain. The age of the pirate was over, but the age of the smuggler was beginning.

Smuggling, paradoxical as the statement may seem, has in every country been the creation of law. For the difficulties which law has imposed, and the exactions which it has levied, on the trader, have alone called the smuggler into being and made his calling profitable. The regulations which were placed on the trader in the Isle of Man in the sixteenth century must necessarily have given an impulse to smuggling. The trader was treated almost as an enemy; his approach was signalled by the watch from Snaefell or Barrule. On his reaching the Island, he was to appear "personally before our Captaine or his Deputy, and show him what his loading is, and to tell him news from whence he came. If the Captaine or his Deputy think that the wares he hath is for the commonwealth of this countrey, he drives him (if he can) to a bargain, and commands him to stay till his pleasure be further known." But the merchant had only gone through a portion of his ordeal. The Captain, having concluded his provisional bargain, was to send for the "clearke of the ships," who, in his turn, was to communicate with the four merchants, "they to bargain with the merchant stranger rather for less than Mr. Captaine could drive them unto or thereabouts."

Trade, which is nurtured by freedom, must necessarily have languished under these restrictions; but, in addition to the

complicated rules to which the trader had to submit, he probably had to pay heavy duties. "The rates of the customs at every port within the Isle of Man"[1] seem never to have been reduced to writing till 1577. The tariff which was drawn up at that time purports to have been "confirmed and allowed" on the sole authority of Lord Derby as Lord; and, at a time when Tudor monarchs were claiming the right to impose customs duties by their own prerogative,[2] there is every reason for supposing that the Lords of Man would have exercised the same right and imposed "books of rates" without the aid of their little Legislature. The present Attorney-General of the Isle of Man is, indeed, probably right in his conjecture that the tariff of 1577 was no new creation, but that Lord Derby merely reduced to writing, and probably revised, the rates which were already payable by the customary law.[3] Whether this be so or not, in 1692 the Governor, with the aid of his Council, drew up a new book of rates without taking the trouble to consult the Keys. The tariff of 1692 was much more complicated and much higher than the tariff of 1577.[4] In 1577 it comprised some 120 articles which were to pay duty on import; in 1692 it enumerated some 200 articles which were to pay duty on import, and some eighty articles which were to pay duty on export. Such a tariff was conformable to the ideas which prevailed in England before the days of Mr. Huskisson and Sir Robert Peel. And in accordance with the views, which were accepted in England at the same time, a preference was given to the native over the stranger, the countryman (the native of the island), being

[1] Statutes, Isle of Man, vol. i. p. 37.

[2] Mary imposed a new duty on foreign cloth; Elizabeth, a new duty on foreign wine, without the authority of Parliament.

[3] Sir J. Gell, in Manx Soc. Pub., vol. xii. p. 189.

[4] Report, Royal Com., 1791, App. A., No. 3.

allowed, so far as many articles were concerned, to import them at half the rate of duty.

An elaborate tariff of this kind was certain to produce smuggling, and, as a matter of fact, smuggling in the island, soon became prevalent. The ease with which it was conducted probably suggested its extension, and at the latter end of the seventeenth century the Isle of Man became an *entrepôt* from which contraband goods were run to the adjacent shores of Great Britain. So openly was this trade conducted, that "about the year 1670 a company of adventurers from Liverpool settled at Douglas for the avowed purpose of conducting the contraband trade;[1] and "the goods thus landed were, from the convenient position of the Isle, exported by the barks, boats, and wherries of the Island into Scotland, England, Wales, and Ireland, to the detriment of the revenue and the prejudice of the fair-trader. The profits attending this iniquitous trade soon induced many of the most wealthy of the Manx people to engage in it likewise. The great body of the people, who had no capital to embark in speculation, became carriers: for which hazardous employment they were suitably qualified, being inured to hardships and trained to a seafaring life."

Oddly enough, the new traffic which thus arose had the effect of checking smuggling into the Island. The Manx tariff, compared with the English tariff, was so low, that its existence detracted little from the profits of the smuggler. Vessels, therefore, from the East Indies, from Europe, and from elsewhere, were openly consigned to Manx ports; and the cargoes which were thus landed were run at any convenient opportunity to the English, Scotch, and Irish coasts. So extensive was the traffic, that the Commissioners of Customs and Excise in Scotland, writing in 1764, officially esti-

[1] Train, vol. ii. p. 306.

mated the loss to the revenue of Great Britain at no less than £350,000 a year.[1] As almost every one in the island, from the Lord downwards, drew some advantage from the rich stream of wealth which was being suddenly poured upon its shores, no one displayed any anxiety to stop the trade. The Legislature in 1697 even repealed the statute which had been passed more than 250 years before to regulate the conduct of aliens, and they declared, in doing so, that "it was the goodwill and pleasure of the Right Honourable the Lord of the Isle to have the said laws repealed, for the encouragement of all foreigners and strangers to reside here."[2]

It was natural, however, that these nefarious proceedings should be regarded with different views in England; and soon after the Union with Scotland a proposal seems to have been made in Parliament to assimilate the fiscal laws of the Isle of Man to those of Great Britain.[3] The Manx Legislature was not unnaturally alarmed at a suggestion which struck a blow both at the wealth and independence of the Island, and the Keys decided on sending a deputation to London to resist the project, or, as they phrased it, "to obtain a free trade for the island with Great Britain." They even persuaded Lord Derby to lend them £100 to pay the expenses of this deputation. No account is in existence of its proceedings, but it is reasonable to infer that it succeeded in obtaining some sort of promise that—if the legislature of the Island would pass an Act prohibiting the export of foreign goods thence into Great Britain—Parliament, in its turn, would sanction the importation of purely Manx produce into Great Britain free of duty. The inference is reasonable, because in 1711 Tynwald distinctly prohibited the illicit traffic,[4] "being in hopes that

[1] Papers respecting Isle of Man, 1805, p. 75.

[2] Statutes, Isle of Man, vol. i. p. 153. [3] Train, vol. ii. p. 308.

[4] This Act admits in the preamble the whole case against the island. It alleges that "great quantities of tobacco and other foreign goods and mer-

the Parliament of Great Britain will, in consideration of this law, and the poverty of this island, make it lawful that the bestials or any other goods of the growth, product, or manufacture of this island may be imported and landed in Great Britain free of all customs whatsoever;" and because in 1713 Tynwald suspended the Act, which had thus been passed, alleging that Parliament had not carried out its part of the bargain, and that the commodities of the island "stand still burthened with the same high duties as heretofore."[1]

Strangely enough, large as was its interest in preventing illicit trade, the Government of Great Britain for some time took no effectual steps to stop it. Ships were indeed stationed on the coasts to watch or seize the smugglers, and commissioners were sent to the island to watch and report on the trade. Waldron, whose description has been referred to in these pages, acted in this capacity; but Waldron seems to have wearied of his protracted residence in the island, and to have despaired of success in his duties.

"Douglas," he wrote, "is full of very rich and eminent dealers, the reason of which is plain. The harbour of it being the most frequented of any in the island, there is the utmost

chandise which have been imported into the island from Great Britain . . . . have afterwards been exported from hence and privately carried back into some port of Great Britain or Ireland . . . . and also that great quantities of wine, brandy, and other foreign goods and merchandise have been shipped of (*sic*) and exported from this island and privately landed in Great Britain and Ireland without paying her Majesty's customs and other duties."

[1] This Act in its preamble distinctly alleges that the Act of 1711 had been passed in the hope and expectation that Parliament would give the free trade according to the proposals laid before the Commissioners [of Customs] considered and agreed upon by them, which said proposals were by them, the said Commissioners, laid before the Honourable the Lords of the Treasury to be forwarded into Parliament. It is not clear why the bargain was not carried out; but possibly the change of Government in England, where Harley succeeded Godolphin, may have had something to do with conduct which was certainly a little shabby.

opportunity that can be wished for carrying on the smuggling trade. So much, it must be confessed, do some men prefer their gain to their safety, that they will venture it anywhere; but in this place there is little danger in infringing on the rights of the Crown; and here I must inform my readers that, though his Most Excellent Majesty of Great Britain is master of the seas, yet the Lord of Man has the jurisdiction of so much round the Island, that a master of a ship has no more to do than to watch his opportunity of coming within the piles, and he is secure from any danger from the King's officers. I myself had once notice of a stately pirate that was steering her course into this harbour, and would have boarded her before she got within the piles, but for want of being able to get sufficient help could not execute my design. Her cargo was indigo, mastic, raisins of the sun, and other very rich goods, which I had the mortification to see sold to the traders of Douglas without the least duty paid to his Majesty."

Instructed probably by Waldron's reports, Parliament at last in 1725 took some steps to prevent the mischief which the repeal in 1714 of the Act of Tynwald of 1711 had occasioned. In an Act passed mainly for the improvement of the revenue, it inserted some remarkable clauses dealing with the trade of the Isle of Man. Acknowledging that large sums were paid, as drawback on tobacco and other foreign goods, exported to the island, and that they were so exported "with no other intent than fraudulently to re-land the same on the coasts of Great Britain and Ireland," it decided that no such drawback should be allowed in future. And it went on to enact that no foreign goods of any kind other than the growth and produce of the Island should be imported from the Island into any port of Great Britain or Ireland.[1]

These provisions, however, Parliament could hardly have

[1] See 12 Geo. I., c. 28, sec. 21, 22.

avoided perceiving, did not remedy the real mischief. It was the irregular, not the regular, trade, which was injuring the revenue of Great Britain; and no rules for the conduct of a recognised trade touched the true evil. Parliament accordingly went on to authorise the Treasury to treat with Lord Derby and his immediate heirs for the purchase of the royalties of the island on such terms as might seem fitting.

At the time at which the Act was passed, James, the tenth Earl of Derby, had been for some fourteen years Lord of Man. He was married, but he had no children; and on his death, ten years afterwards, the earldom reverted to a very distant cousin, Sir Edward Stanley, a lineal descendant of the first Earl. The Isle of Man did not pass with Lord Derby's best known title and his English estates. The succession to it was governed by the conditions under which it had been re-granted to the sixth Earl by James I., and by the provisions of the Act of Parliament which affirmed the grant. By these conditions the Island reverted on failure of heirs male to the sixth Earl to the heirs general or right heirs of James the seventh, or great, Earl of Derby. In 1726 the right heir of the seventh Earl was Lady Harriet Ashburnham, the only daughter of Lord Ashburnham by his wife Henrietta, daughter of William, ninth Lord Derby. The Act of 1726 empowered Lady Henrietta, as well as her trustee, to treat for the sale of the Island; and, in the event of the treaty being made, to make the sale effectual notwithstanding her minority. Lady Harriet, however, died while she was a child, and the succession to the island then reverted to the Duke of Athole, whose maternal grandmother was daughter of the seventh Earl of Derby. In 1736, on the death of the tenth Lord Derby, the sovereignty of the little Island of Man passed accordingly to the Athole family.

From an English point of view, this change in the dynasty,

if so large a word may be applied to so small an island, was of much significance. In the Island the change in the succession was hailed with feelings of hope. It seems, in fact, to be natural to humanity to expect that the evils which have been experienced under one man will be remedied under his successor; and these hopes were encouraged by the Duke's conduct. He showed the interest which he took in his new possession by at once announcing his intention of visiting it, and of coming at a time which would enable him to be present at the annual Tynwald; and he was not discouraged by the unfriendliness of the winds, which forced him, like Duckenfield in the previous century, to seek shelter at Holyhead, and which thus protracted over six days a journey which is now accomplished in four hours. The Duke on his arrival was received by the Governor and his officers with all the state which the Island could afford, and was greeted with addresses of welcome from all classes of the people. His first Tynwald revived the splendours of the old court. The Duke was escorted to it by "three squadrons of horse militia, one bay, the second black, the third grey, well mounted and armed, commanded by their officers, and with their drums and standards, in the latter of which were embroidered the arms of the Isle;" on the hill the Bishop did homage, the officers of the Lord's Council were sworn; and at the conclusion three "great huzzas were made by the whole spectators, waving their hats in the air, and a general volley from all the militia and soldiery followed."[1]

And the conduct of the Duke justified the warmth of the reception. He stayed in the island for some weeks, long enough to sanction fourteen Acts, or rather fourteen sections of one Act, which has sometimes been styled the Manx Bill of Rights. By this statute, among other things, accused persons

[1] Manx Soc. Pub., vol. xix. p. 105–109.

were in all cases assured the right of trial by jury; questions of title were directed to be tried at common law, and not otherwise, and by sheading juries. Traverses were ordered to be heard within three months, and appeals to be entered within six months of the verdict. The power of the ecclesiastical courts was to a certain extent limited. They were in future debarred from administering an oath to an accused person, by which he was compelled "to confess or accuse or to purge him or herself of any criminal matter or thing." But, while the Church was deprived of the power of forcing those whom they suspected to confess their guilt or swear their innocence, the accused were still allowed to clear themselves by their oaths. Their oaths, therefore, were to be still available for their defence; they were no longer to be used for their conviction.

The power of the ecclesiastical courts was further restrained by other provisions. A reasonable fine, instead of imprisonment, was in future to be paid by persons guilty of contempt for non-appearance. While "instead of the rigorous punishment and forfeiture" to which excommunicated persons had previously been liable, they were thenceforward to be subjected to only three months' imprisonment in one of the castles.

One other provision of great constitutional importance was added. The customs tariff had hitherto been collected on the sole authority of the Lord, and had not had "the consent and concurrence of the twenty-four Keys;" it was now adopted on the authority of Tynwald, and it was enacted that "no order, precept, or command, prohibiting the importation or exportation of any foreign goods, or any other goods of the growth, product, or manufacture of the Isle, shall be granted or made without the consent of the Governor, Council, Deemsters and Keys of the said Isle."

The first of the Atholes had thus supplemented the legisla-

tion of the last of the Stanleys. The one ruler had given the people fixity of tenure; the other had curbed the power of the ecclesiastical courts, had regulated civil judicature, and had placed the sole power of taxation in the hands of the Legislature. The Atholes were destined, in the course of the next eighty years, to lose the popularity which they had acquired in the Island. They were said, and perhaps with reason, to think too much of their own rights and too little of their people's interests. But, if Manxmen knew the history of their own Island, they would at any rate except the first reigning Duke of the House from these censures. He, at least, celebrated his accession by signing an Act worthy to be bound in the same volume with the great charter of the last of the Derbys.

CHAPTER XIV.

THE SALE OF THE ISLAND.

JAMES, the second Duke of Athole, who had succeeded the tenth Earl of Derby in the Lordship of Man, died in 1764. He left only one child, a daughter, Charlotte, who was married to her cousin John, the third Duke. The accession of a new Lord probably suggested the renewal of the negotiations which had been commenced more than a generation before for the sale of the island. The necessity for some such measure had not diminished in the interval. On the contrary, smuggling was still rife; the revenues both of England and Ireland were still suffering; and successive British Ministries had resumed the negotiations which had been commenced in 1726. In these circumstances, Duke James seems to have doubted whether he should be able to retain the ancient sovereignty to which he had succeeded; and by several deeds he conveyed the island to trustees, with power to make an absolute sale of the whole of the property, and invest the proceeds in real property in Scotland, to be strictly entailed on his descendants, and, failing them, on the descendants of other members of the Athole family. Lawyers have disputed whether it was within the Duke's power to make the trust which was thus created. The succession to the Isle of Man, it was argued, was governed by the Act of James the First, and nothing could be done which was contrary to the letter of that statute. In the end, however, no real importance attached to

these arguments. When the sale was ultimately effected, it was confirmed by Parliament; and the Parliament of George III. could of course undo what the Parliament of James I. had done. The trusts which Duke James created are only interesting now because they furnish evidence that the idea of a sale of the Island still prevailed in his lifetime.

When Duke James died, George Grenville was Prime Minister of England. The author of the famous Stamp Act was not likely to feel much sympathy with small dependencies of the British crown, and a Minister who risked the loss of the American colonies for the sake of the £100,000 a year which the Stamp Act was expected to produce was certain to take strong measures to save the much larger sum of which Manx smugglers were depriving the English revenue. Writing on the 25th July 1764 to the Duke, he thought proper to inform him, in his own name and in that of his colleagues at the Treasury, that, "in pursuance of the powers vested in us by the 12th of George I., we are willing to treat with you for the purchase of the Isle of Man, or of such part of the rights, claimed by your Grace in the said Island, as it shall be found expedient to vest in the Crown, for preventing that pernicious and illicit trade which is at present carried on between the said Island and other parts of his Majesty's dominions, in violation of the laws, and to the great diminution and detriment of the revenues of the kingdom.

"The House of Commons, during the last session of Parliament, thought fit to inquire whether any and what steps had been taken for this purpose; and we have reason to think that it is expected of us that we should pursue every legal method for the prevention of this evil. . . . We are now ready to treat with your Grace, pursuant to the said Act of Parliament, and to receive from you a proposal for that purpose, specifying what part of your property and rights in the

said Island you are disposed to sell, and the value you put upon them; that we may know whether the terms are, in all respects, such as we, who are the trustees for the public, can admit. But, if your Grace is not inclined to enter into a treaty with us upon the subject, we beg to be informed of it, that we may then pursue such other measures as we shall think our duty to the public requires of us."[1]

This strong language and hardly covert threat must have convinced the Duke that the days of his sovereignty were numbered; and, before he found leisure to reply to the Treasury letter, the Ministry proceeded from strong words to strong deeds. It issued an Order in Council on the 17th August 1764 specifying his Majesty's intentions that the laws against smuggling, particularly on the neighbouring coasts of the Isle of Man, should be strictly enforced; directing the Admiralty to station a number of ships and cutters, under the command of discreet officers, in the harbours and on the coasts of that island; and adding that, "in order to take from foreigners all excuse on the score of ignorance, His Majesty's intentions have been notified to most of the courts of Europe."[2]

Both the words and the action of the Ministry must have shown the Duke that England was at last in earnest, and that it was no longer possible to avert a change which the English Government was determined to effect. Professing, therefore, that "no temptation of gain could induce him to give up so ancient, so honourable, and so noble a birthright," and that "nothing could be an equivalent to one of his rank and circumstances for so great a patrimony," the Duke added that "his duty and attachment to the King were such, that if it was esteemed, upon a full consideration, an important point for his

[1] Parliamentary Papers respecting the Isle of Man, 1805, p. 13.
[2] Ann. Reg., 1764, p. 92.

Majesty's service, and for the good of the public, he was willing to enter into a treaty for the disposal of" the island. As, however, he had only been a few months in possession of it, and had never in the least turned his thoughts to the sale of it, it was impossible for him to fix upon an adequate price for a possession so very considerable both for honour and profit. He could therefore make no proposal himself, though he would be ready to receive with respect any that should come from the Treasury.

If, however, the Duke declared himself unable to name a just price for the island, the Lords of the Treasury contended that they were equally unable to do so. The Duke, in fact, had, while they had not, the statistical information which would enable them to determine the point. The Treasury, therefore, suggested that the Duke should supply their Lordships with this information. The Duke in the first instance, however, seems to have neglected this duty. At any rate, before the autumn closed, he was informed that the Government did not intend to proceed with the treaty, but that they proposed to effect their object by Act of Parliament. Accordingly, in the beginning of 1765, a Bill was introduced into the House of Commons to remedy the mischiefs resulting from Manx smuggling.

A strong policy of this kind naturally brought the Duke to reason, and on the 27th February 1765 he addressed a letter to the Treasury, in which he supplied the information which the Government had demanded in the previous September, and expressed a hope that "neither his Majesty nor the Parliament will think the clear sum of £70,000 too great a price to be paid to us in full compensation for the absolute surrender[1] of" what, for want of a better word, may perhaps be called the royalties of the Island. The Duke added that the Duchess and

[1] Parliamentary Papers respecting Isle of Man, p. 17.

he presumed to "hope that our particular situation, arising from rent-charges upon our other estates, in consequence of settlements made by the late Duke of Athole, from a prospect that the revenues of the Isle of Man would continue to us, will, through your Lordships' favourable mediation, recommend us to his Majesty for such mark of his royal munificence as from the consideration of the case shall appear to his Majesty to be reasonable."

This letter, of course, settled the business. Government had made up its mind to resume possession of the Isle of Man, but it had no desire to treat the Duke and Duchess with harshness. The Duke's offer was at once accepted. A Bill was introduced to give effect to it, and rapidly passed. After its passage a pension of £2000 a year was granted out of the Irish revenues to the Duke and Duchess for their joint lives. Ireland, it was argued, had suffered like England from the illicit traffic, and Ireland therefore, like England, should contribute some portion of the compensation.

The measure which thus revested the Isle of Man in the Crown of England is a very short Act with a very long preamble; for the preamble contains a concise history of the relations of the Stanleys and of the Atholes with the island from 1407, while the Act only confirms the bargain for the sale, and excepts from it the property, the patronage, and the privileges which were still to continue with the Duke. For, though the Act deprived the Duke of his sovereignty, it left him a great manorial lord, with the land, with the minerals of the island, with large ecclesiastical patronage, and with the privilege, which no other subject possessed, of presenting to the bishopric.[1]

[1] The right of presentation to the bishopric, which was preserved to the Duke, but which sixty years afterwards was purchased by the Crown, is different from the right which the Crown enjoys of appointing English bishops. In England and Wales the Crown technically authorises the Dean and Chapter to

It preserved to him the honorary service of presenting to the king two falcons on his coronation. But this Act—the Act of Revestment, as it is generally called—if it had stood alone, would not have accomplished the objects which Parliament desired. It was therefore supplemented by another measure "for more effectually preventing the mischiefs arising to the revenue and commerce of Great Britain and Ireland from the illicit and clandestine trade to and from the Isle of Man."

The Mischief Act, as it was commonly called, empowered officers of customs and excise to visit and search all vessels on the coast and in the harbours of the Island, and to seize any goods imported contrary to law; it rendered all vessels, except those driven in by stress of weather, hovering within three leagues of the Island, and having on board any prohibited goods, liable to forfeiture; it directed that offences against the Act committed in the territorial waters of the Island might be tried in any court either of Great Britain or Ireland; and it prohibited the importation of all foreign spirits, teas, and East India goods, even for the consumption of the Island, except from Great Britain. And this Act was followed in 1767 by a still more stringent measure, which repealed the old book of rates which had been imposed by Tynwald, which substituted new and heavier duties to be levied on the authority, not of Tynwald, but of Parliament, and which limited the quantities of spirits, tea, tobacco, and other goods which should thenceforward be imported into the Isle of Man.[1]

elect a bishop, though it nominates the person whom the Dean and Chapter are to elect. In the Isle of Man it appoints the bishops. The bishopric of the Isle of Man may, therefore, be styled a "donative" of the Crown.

[1] The Act of Revestment is the 5 Geo. III., c. 26. The Mischief Act, 25 Geo. III., c. 39. The Act of 1767, the 7 Geo. III., c. 45. The duties imposed in 1767, and the quantities of foreign articles allowed to be imported into the Island, were affected or amended by subsequent Acts passed in 1780 (20 Geo. III., c. 42), in 1798 (38 Geo. III., c. 63), and by subsequent statutes,

The urgency of the case was perhaps sufficient justification of these laws. No Minister could allow a little island to defy the power, to embarrass the trade, and to cripple the revenue of Great Britain; and possibly the illicit practices, which had assumed such large proportions, could not have been checked by any milder legislation. But the Acts which were then passed not only inflicted an apparently irremediable wound on the prosperity of the Manx people; they concurrently aimed a fatal blow at their independence.

For centuries the Island had preserved the appearance of independence: it had been left to regulate its own affairs and to make its own laws. It had the mortification now to see that the Parliament of Great Britain was disposing of its sovereignty, and imposing new and heavy burdens and restrictions on its trade.

Yet the change was quietly accomplished. The English Ministry at once selected a new Governor to represent the Crown, and the choice fell on Mr. Wood, who appears to have been a gentleman of capacity and discretion. It issued a proclamation notifying the change, and directing that it should be read at Castletown; it despatched the 42nd regiment of foot to support the Governor's authority; and accordingly on the 11th July, the Manx colours, which had been hoisted upon Castle Rushen in the morning, were struck; the English colours were hoisted in their room; the troops fired three volleys; the Governor made a judicious speech. The reign of John, Duke of Athole, had ceased; the reign of George III. of England (of George I. of Man) had begun.

The leading people of the island, who subsequently dined at the Castle, perhaps forgot their grievances while they were drinking the Governor's claret; the soldiers drank his Majesty's health in a hogshead of beer which the Governor provided for them; while "bonfires, illuminations, and other

demonstrations of joy," amused the more idle among the crowd."[1]

Whatever demonstrations, however, may in the first instance have followed the proclamation of the revestment, it could hardly be expected that the people would have welcomed a change which deprived them of the chief occupation of their lives, and raised the cost of living in the Island.

> "All the babes unborn will rue the day
> That the Isle of Man was sold away;
> For there's ne'er an old wife that loves a dram,
> But what will lament for the Isle of Man."[2]

So ran the popular refrain which was fashionable at the time. The people, too, complained not only of the thing itself, but of the manner in which it was done. The negotiations between the English Government and the Duke had been conducted without the knowlege of the Manx Legislature; and Tynwald considered that in common courtesy it might have been consulted before the dynasty to which the Manx people had owed allegiance for nearly four centuries had been summarily deprived of its royalty. They did not, however, blame the Duke for his share in the matter; they regarded him, on the contrary, as the victim of a policy which had been forced on him against his will; and the Duchess and he for many years received their sympathy and retained their attachment.

The Duke died in 1774. His Duchess, who survived him, and who had brought him the Island on her marriage, transferred on his death all her rights in Man to her son, the fourth Duke. The third Duke had silently submitted to the decision of 1765, to which, in fact, he had been technically a party. The new Duke had hardly acceded to the title, or at any rate had hardly attained his majority, before he used all the influ-

[1] Manx Soc. Pub., vol. xii. p. 129. [2] Ibid., vol. xvi. p. 233.

ence attaching to his high position to disturb it. During the next twenty-five years the Duke's claims were constantly before Parliament.

It is possible to put the arguments which were raised by the Duke, and the arguments which were returned to them, concisely. Practically, the Duke contended that the sale which his father and mother had made they were incompetent to make, and that the compensation which was awarded was inadequate. On the first point it is not necessary to say much. The universal opinion of competent authorities may be cited to prove the capacity of Parliament to do what it chooses; and any defects in the sale, if defects there were, must necessarily have been cured by the Act of Parliament which sanctioned it. Jurists indeed might possibly argue that Parliament, omnipotent at home, had no power to legislate for the Isle of Man. But even this contention was hopeless. Parliament has technically the right to legislate for any portion of the British Empire, and its exercise of this right does not depend upon questions of supremacy, but on questions of expediency. Parliament, moreover, had, as a matter of fact, on several occasions exercised its right of legislating for the island. It had done so on three occasions during the half-century which preceded the revestment. And, to quote the words of the law officers of the Crown in 1802, "These instances we think abundantly sufficient to show that the Parliament of this country has exercised that right of legislation for the Isle of Man, when it has thought it necessary, which Lord Coke and Mr. Justice Blackstone state to belong to it."[1]

On one part of the question, therefore, little doubt can be felt. Parliament was within its rights in legislating for the Island; and the fiat of the Legislature covered any possible

[1] Parliamentary Papers respecting Isle of Man, 1805, p. 57.

defect in the capacity of the Duke and Duchess to sell. But it was still open to the Duke's successor to maintain that his parents had been forced into an unjust bargain, and that the compensation paid was inadequate to the value of the revenue sold.

The actual revenues of the Island during the ten years which preceded the revestment amounted to £85,085 Manx, or £72,930 British.[1] The mean annual revenue of the Lord was, therefore, nearly £7300 a year. This sum, however, included the rents derived from property which was not purchased in 1765; and the actual revenue transferred to the Crown had yielded on an average not quite £6000 a year. It was obvious that if these revenues were fairly receivable, and if they belonged to the Duke, the £70,000 which the Duke asked and the Government paid was a very inadequate compensation for the income of which he was deprived. Those who opposed the Duke's claim and those who supported it equally admitted that the revenue was the *bonâ fide* property of the Duke; and no one was found bold enough to urge that duties granted by the Legislature were practically given in trust for public purposes and could not properly be regarded as private property. Viewed, therefore, as the transaction was on every side in the closing years of the eighteenth century, the only question for consideration was whether a sum of £70,000 and an annuity of £2000 Irish on the joint lives of the Duke and Duchess was an adequate price for an income estimated at £6000 a year? If this income was certain and assured, it was difficult to see how any answer but one could be returned to this question; and the Duke contended that it was not only assured, but that with careful collection it could have been made much larger, while it was capable of almost indefinite increase by the action of the

[1] £7 Manx was equal to £6 British. See for this account, ibid., p. 64.

insular Legislature. The Government, however, replied that it was in the highest degree unlikely that the court of Tynwald would have agreed to additional taxation for the purpose of increasing the private revenues of the Duke, and that his income such as it was had been swelled by the illicit practices which had prevailed. The custom duties in the island were so low that the commodities imported for local consumption would hardly have produced one-tenth of the duties which were actually received; and, as a matter of fact, immediately after the revestment, when smuggling was checked, the revenues at once fell from thousands to hundreds. It was absurd, so it was argued, to vest an income obviously derived from illicit practices with the sanctity attaching to private property, and the compensation actually given was an ample price for the legitimate revenues of the island. The history of 1765 confirmed this view, for the £70,000 then paid was not the price named by the Government, but the price named by the Duke. It was reasonable to suppose that, in naming this sum, the Duke had not suggested one which was wholly inadequate.

Such was the substance of the very able reply ultimately returned to the Duke's claim. In 1781 this claim was formally raised. The Duke presented a petition to Parliament praying for leave to introduce a Bill to amend the Act of 1765. The measure actually passed the Commons, but it only reached the Lords towards the end of the session, and the Lord Chancellor urged, and the Duke himself acquiesced in the argument, that the period was too late for its consideration.[1] Its introduction, however, had probably convinced the Duke that its passage was likely to be resisted in an unexpected quarter. Many of the Duke's arguments were clearly opposed to the true interests of the Manx people. The Keys petitioned against

[1] Parliamentary Register, vol. xxi. p. 348.

the measure. Their Speaker gave evidence against it at the bar of the House of Lords. The people of the island instinctively felt that the claim of the Duke was opposed to their own privileges; and that, in some way or other, if increased compensation were paid to his Grace, they would directly or indirectly suffer.

Deterred probably by the opposition, which his proposal provoked both in Parliament and in the Island, the Duke forebore for many years from pressing his claim. In 1790, however, it was again renewed, a relation of the Duke's, General Murray, asking leave to bring in a bill for appointing commissioners to inquire into the extent and value of certain rights, revenues, and possessions in the Isle of Man.[1] The proposal was again resisted by the Opposition—on the ground that it was unfair to the public to reopen a transaction which had been definitely concluded a quarter of a century before—but was supported by the Ministry, who contended that the bargain of 1765 had been hastily arrived at, and that several things had been left uncertain which, in the best interests of the public, it was desirable to determine. The Keys again petitioned against the measure, and were heard by counsel against the Bill. Supported by the whole strength of Pitt's Ministry, it was read a second time in April, and the House of Commons subsequently decided on going into committee upon it by sixty-three votes to thirty-four.[2] But the feeling against the measure was so strong that Government did not venture on pressing it any further on the House, and Pitt himself, "notwithstanding his full conviction of the propriety, and even necessity, of proceeding with such a measure," moved its rejection.[3] With the Government on his side and Parliament against him, the Duke in 1791 took another course, and

[1] Parliamentary Register, vol. xiv. p. 307.
[2] Ibid., pp. 385–395.
[3] Ibid., p. 561.

petitioned the King in council for the redress which he had failed to obtain from the Legislature. At the close of 1791 a commission was accordingly appointed and instructed to proceed to the Island and examine the allegations of the Duke, inquiring at the same time into the constitution and circumstances of the Island.

Whatever other results may have ensued from this commission, there is no doubt that it succeeded in collecting a mass of information which has made its report a mine of wealth for the historian; but, with respect to its immediate object, the report probably gave only imperfect satisfaction to the Duke. The Duke alleged that:—

1. The revenues arising to his family were not fairly collected, even before the revestment.

2. His family had the power of increasing the duties, with the consent of the Legislature, and that such consent, to any reasonable degree, would not have been wanting.

3. Some rights, unnecessary to be vested in the Crown for the purpose of preventing illicit practices, had been so vested; while others, meant to be retained, had, by the operation of the Act of 1765, been rendered nugatory, by being left in a mutilated and unprotected condition, the protections which they enjoyed under the former Government of the island having been destroyed, and no new or adequate protection substituted in their room.

On the first allegation the commissioners held that "the Lords' revenues were not fairly collected or paid prior to the revestment." The first part of the second allegation, that the Duke's family had the power of increasing the revenue with the consent of the Legislature, they considered a self-evident proposition; but they added, in reference to the second part, that it was not probable that such consent would have been given without an equivalent.

The Duke defined the rights which he stated in his third allegation to be unnecessarily vested in the Crown to be the following:—

(*a.*) The herring custom, being a tax of 10s. on each boat engaged in the herring-fishery.

(*b.*) The salmon fishings.

(*c.*) The harbours and quays of the Island.

(*d.*) The Isle and Castle of Peel.

(*e.*) Treasure trove.

All these five rights, the commissioners held, were not necessarily vested in the Crown for the purpose of preventing illicit practices.

The rights which the Duke alleged to have been left in a mutilated and unprotected condition were the rights to wrecks, game, unappropriated lands, and boons and services.[1] So far as his right to wrecks and boons and services was concerned, the commissioners thought that the Duke might obtain redress by resorting to the courts of justice. His right to game, secured to him by laws conceived "in the jealous and vindictive spirit of the ancient forest laws," was not affected by the Act of Revestment. So far as the unappropriated lands were concerned, the Keys undertook in writing, and the Duke expressed himself satisfied with the undertaking, to give the Duke the necessary relief.

Technically, therefore, the decision of the commissioners was in the Duke's favour; but at the same time the examination of his claim must have convinced every one that the pecuniary value of the rights of which he may have been unnecessarily deprived

[1] The tenants and inhabitants of the Isle were bound, by an Act of 1645, to furnish labour for the repair of the Lord's forts and houses, or to pay a fine of sixpence on each instance of default; while each owner of a quarterland was bound to furnish a cart and horses on four days of the year, or to pay a fine of 2s., to be employed in the repair of the Lord's fences, houses, &c., and on other duties.

was very small. The only things of value among them were the herring customs and the right of free carriage; and the value of the former was estimated at £100, that of the latter at about £130 a year.[1] The truth of the Duke's allegations, moreover, did not advance his claim. If it were true, on the commissioners' showing, that his family had unnecessarily been deprived of certain small rights, the words of the Act could be quoted to prove that these rights had been included in the bargain between his predecessor and the Crown. There may have been no public necessity for compelling the Duke to part with them, but there could be no reasonable doubt that, as a matter of fact, he had knowingly sold them.

The Government in these circumstances did not venture to take any action on the commissioners' report, but it gratified the Duke in 1793 by appointing him Governor of the Island. The pay of the office was not large, but the position gave him an obvious advantage in protecting his interests, while it enabled him to exercise, as the representative of the Crown, the functions which his ancestors had discharged by virtue of their inheritance. The Manx, too, though they had hitherto opposed the Duke's claims, accepted him as their Governor with acclamations. They regarded him as "a fellow-sufferer with themselves." He and they had been equally injured by the Act of Revestment, and his influence, they hoped, would thenceforward be exerted to remedy their grievances and promote their interests. They received the Duke accordingly with enthusiasm, took his horses from his carriage, drew him themselves to his residence, and cheered him to the echo.[2]

Some years passed before the Duke formally renewed the claims which he had raised in 1781 and 1790, and which had been referred by Pitt to the commissioners appointed in the

[1] Report of the Commissioners, p. 18, Appendix, No. 28.

[2] Train, vol. i. p. 252.

autumn of 1791. In 1798, however, he was instrumental in procuring the passage of an Act through Parliament intended to promote the trade of the island, and at the same time to increase the insular revenue.[1] The Act, which carried out some of the recommendations of the Commissioners, was passed for only three years. It had the effect of raising the revenues, which since the Revestment had not amounted on an average to £4000, to £8000 a year.[2] Taking advantage of this circumstance, the Duke in 1801—before the Act had actually expired—again memorialised the King in Council, and asked that some additional compensation might be granted to him out of the improved revenues.[3] The memorial was evidently prepared while Pitt was still in office: it reached the King, however, during the crisis which led to that great Minister's withdrawal from power, and it was referred to a committee of the Privy Council during the earliest days of Addington's Administration. Six months later, their Lordships sent it to the law officers of the Crown, whose report upon it was made in November 1802.

This report, to which allusion has already been made in this chapter, is the best extant analysis of the Duke's case. In substance, the attorney and solicitor-general declared that the revenues before the revestment had been swelled by smuggling; that a revenue based on the legitimate consumption of the Island would not have exceeded, after allowing for the expenses of collection, £800 a year; and that this revenue, "at thirty years' purchase, would give £24,000, which would leave £46,000 out of the £70,000 for the account of the royalties."[4] Convinced by this reasoning, the Lords of the Council reported in 1804—for their Lordships in those days moved very

[1] 38 Geo. III., c. 63. Manx Soc. Pub., vol. xii. p. 194.
[2] Papers respecting the Isle of Man, p. 61. [3] Ibid., p. 8.
[4] Ibid., p. 62.

slowly—that "there do not appear sufficient grounds to consider the compensation made to the late Duke of Athole . . . and their Lordships cannot advise your Majesty to signify your royal consent to such an application to Parliament as is suggested in the prayer of his Grace's petition to your Majesty in Council."

The Duke had now maintained the struggle for the best part of twenty-five years. He had been defeated in the House of Lords, he had been defeated in the House of Commons, and he had been defeated, it might have been thought, finally, in the Privy Council; yet he was on the very eve of securing a long-deferred victory. The whirligig of politics, which had disappointed his expectations by replacing Pitt with Addington in 1801, was replacing Addington with Pitt in 1804. The Privy Council reported adversely on the 31st day of March. On the 13th April the Duke asked (and on the 17th his request was granted) that the report might be suspended till he had prepared a supplemental petition, which it was his purpose to present. On the 15th May, Pitt resumed office; and on the 27th June the Duke's supplemental petition was referred to a fresh committee, which on the 18th August recommended that the Duke's claim should be complied with.[1]

Accordingly in the following year a Select Committee was appointed in the House of Commons, and recommended that additional compensation should be granted to the Duke.[2] The Crown was thereupon advised to grant, and Parliament was induced to approve, the issue of an annuity to the Duke and his heirs for ever equal to one-fourth part the gross customs revenue of the island;[3] and a Bill was introduced and passed consolidating the duties granted under previous Acts,

[1] Papers respecting Isle of Man, p. 112. [2] Parl. Deb., vol. v. p. 52.
[3] 45 Geo. III., c. 123. Train, vol. i. p. 249.

and directing the payment of the revenues into the Consolidated Fund of Great Britain.

It is not necessary in a history of the Isle of Man to consider the motives which may have induced Pitt to press forward this extraordinary policy. Whether private friendship, or the desire to secure political support, may have actuated his conduct, there seems no justification for the act itself or for the manner in which it was done. The House of Lords, with all its natural prejudices in favour of a nobleman of high rank and great descent, had refused the claim; the House of Commons, a House returned not by popular constituencies, but mainly composed of the representatives of great borough-owners, had declined to consider it; the Privy Council, after an elaborate inquiry, and after referring the case to the law officers of the Crown, had rejected it. Pitt's chief legal adviser, his Attorney-General, had himself prepared the elaborate and cogent report which had guided the decision of the Privy Council; he displayed his adherence to his original opinion by absenting himself from the debate on the Prime Minister's proposal; the Chief Justice of England led the opposition to it in the House of Lords, and declared that the transaction was "one of the most corrupt jobs ever witnessed in Parliament;" and that the manner in which the claim was pressed was "a proceeding which could only be sanctioned by Parliament in the worst and most corrupt times."[1] Yet, in the face of the previous refusals of the Legislature, in face of the decision of the Privy Council, in face of the opinions of the men by whose advice he should have been guided on a question of law, Pitt forced his colleagues in the Privy Council and his supporters in Parliament to adopt the measure, which it is fair to add that he had consistently recommended, but which they had as consistently refused.

[1] Parl. Deb., vol. v. pp. 776-778.

If, moreover, his policy redressed the grievance of the Duke, it created a much more serious grievance in the Island. The Duke's family could hardly have received any compensation for the customs revenue in 1765, except on the assumption that taxes imposed on the Island were his private property, and not held in trust for public purposes. He could hardly have received increased compensation in 1805 except on the still more monstrous assumption that he had a right to the improved revenues imposed neither by himself nor by the local Legislature, but by the Imperial Parliament; and this contention was indirectly supported by the language of the new Act. In the Acts of 1767 and 1780, the surplus revenues of the Island imposed by these Statutes which remained after defraying the necessary expenses of government had been reserved for the disposition of Parliament. In the temporary Act, which the Duke had secured in 1798, this provision was for the first time omitted. But, in the Act of 1805, Parliament took a much more formidable step, and directed that these revenues should be carried to the Consolidated Fund of Great Britain. Under the earlier Acts it was probably the intention—it was certainly open to every Manxman to contend that it was the intention—that these revenues should be expended, under the authority of Parliament, on insular purposes. But the Act of 1805 made such a contention no longer admissible. The local revenues ceased, as it were, to be earmarked; they were merged in the general income of the larger country. The admission of the Duke's claim made it almost inevitable that they should be so merged. If the Duke was entitled to an additional £3000 a year out of the revenue, it was only right that the Consolidated Fund should be recouped for the loss. If, in short, the increased revenues had belonged to the Duke, they obviously and legitimately belonged to the Power which stood in the Duke's shoes. The

moral claim, which, up to 1805, the Manx people might fairly have made, that revenues raised in the island should be spent in the island, was thus barred by the words of the Act; and the injustice which was thus perpetrated was not remedied for another sixty years.

Unhappily, in the history of England there are too many instances where the claims of an individual have been treated with respect, and the claims of a people have been overlooked; and in the political atmosphere of the earlier years of the century the claims of individuals were regarded with more consideration than the present generation would pay to them. Pitt's advocates may therefore fairly claim that he should be judged by the standard of his own age, which rarely forgot that property had its rights, and hardly ever remembered that it had its duties. But, unhappily for Pitt, the excuse is not available in the present instance; for, so far as the Duke of Athole was concerned, Lords, Commons, and Councillors were all favourable to a more appropriate policy. It was the influence of Pitt which secured the Duke the compensation he sought; it was Pitt's authority which persuaded a reluctant Legislature; and Pitt, and Pitt alone, must be held responsible for what was done, and for the manner of doing it.

CHAPTER XV.

THE LAST OF THE ATHOLES.

THE preceding chapter has been confined to the negotiations respecting the sale of the island to the Crown, from the accession of the third Duke of Athole in 1764 to the final arrangement concluded by the Act of 1805. It is time now to retrace our steps, and to endeavour to describe the consequences of the Revestment on the Manx people.

In one respect the poor gained by the revestment. Tynwald, from its closer connection with the English Government, realised the necessity of assimilating its own laws to those of England, and in 1777 it accordingly swept away some old statutes, which had become "insufferable and oppressive," repealing, among others, those which regulated the wages and labours of artificers and servants.

Service in many instances had been compulsory. By an old customary law, which was recognised by the insular statutes, many official persons—the Deemsters, coroners, moars, and serjeants of baronies—were entitled to claim for their own use the services of any person who was not already in the employment of the vicar of a parish or of a member of the House of Keys. "The ceremony was performed by an officer called a sumner, who laid a straw over the shoulder of the person so required and said, 'You are hereby yarded for the service of the Lord of Man, in the house of his Deemster,

moar, coroner, or serjeant of barony.'"[1] This remarkable system was not the only instance of compulsory service. By an old customary law, which was embodied in the statutes in 1577, and which, singularly enough, still remains unrepealed,[2] any of the Lord's tenants had the right to complain to the Deemster that he was "destitute" of servants; and the Deemster was thereupon to impannel a jury charged to discover vagrant servants, who were then allotted to the farmer, the farmer who paid the highest rent being served first: "And if there be no such servants, and if such need be, then he that beareth five shillings rent unto my Lord to serve him that beareth ten shillings rent, rather than the Lord his land fall to decay."

These harsh restrictions on individual liberty were the more oppressive because the wages of labourers were minutely fixed by statute, and fixed not in the interests of the labouring classes. By an old statute of 1609, for instance, every man-servant being a plowman was to receive thirteen shillings and fourpence a year, and not above; every driver ten shillings, and every horseman eight shillings, and not above.[3] It is true that, in addition to these wages, the servant was entitled to his keep, and the servants made by juries had a right to complain to "four honest and sufficient neighbours" to certify "what dyett and usage they ought to have."[4] This provision, how-

[1] Train, vol. ii. p. 109.

[2] Statutes, Isle of Man, vol. i. p. 55.

[3] Ibid., p. 70. Old and decrepit persons had a right to retain the service of one of their own children; and the choice child, as he was called, could not be allotted to a farmer by a jury. Ibid., p. 122.

[4] Ibid., p. 123. In justice to Tynwald, it is fair to remind the reader of the analogous legislation in England. The "Statute of Labourers," passed in the reign of Elizabeth, prescribed the hours of labour, forbade the movements of the working classes, and directed the justices to fix the rate of wages.

ever, could have mitigated only partially the hardship of compulsory service, or the almost equal injustice of limiting by statute the wages which a man should receive for his labour.

The Act of 1609, like all laws opposed to sound principles, could not be enforced; and Tynwald in 1667 was forced to admit that servants were receiving double the wages which the statute directed, and that men were pretending that the said statute did not apply to ordinary servants, but only to such servants as were made by juries and yarding. Confronted with these facts, Tynwald would have been wise to have repealed the law. Instead of doing so, it merely re-enacted it. "Whereas, notwithstanding the statute of 1609 . . . servants will not of late years hire for double the wages so mentioned . . . not considering that the farmer is far more unable now than formerly to pay the same, in respect of the scarcity of money, and the cheap rates both of corn and cattle; and yet are the servants in a better condition to subsist by the cheapness of cloth, both woollen and linen, and all other commodities they stand in need of. And whereas it may be conceived that the wages mentioned in the said statute was only intended for such servants as were made by juries and yarding, albeit the foresaid statute is plain to the contrary . . . be it hereby ordered, enacted, and declared that there be a restraint of such exorbitancy in the servants; that (considering the cheapness of all commodities at present, and that probably the same may rise higher hereafter, and so continue for some time) there be this moderation made on both parts, viz., that every sufficient plowman shall have for his wages fifteen shillings, and not above; every driver ten shillings; every horseman or horselad eight shillings . . . and every maid-servant of ability to undertake and perform her master's or mistress's

service, the wages of nine shillings by the year, and not above."[1]

Only one result could have followed from such a statute. Any promising youth must have been driven from a country which so grudgingly rewarded his services. The Manx Legislature had, indeed, placed special difficulties on the emigration of the Manx people. One of the earliest laws in the Statute Book had directed that no one born and resident in the Island should leave it without the Governor's license,[2] and had branded disobedience to the law as felony. In 1655 the law was strengthened, "and it was ordered that whosoever shall transport any men or women servants out of the Isle without special license first had and procured from the Governor . . . shall forfeit and be proceeded against in the strictest and severest manner that by law shall or may be instituted for every tyme offendinge."[3] But even this Act was not found stringent enough. The Governor's pass was too easily procurable; and the Legislature in 1713 had to confess that "the servants of this Island, both men and women, as soon as they attain the age of sixteen or seventeen years, and fit to serve in the country, do, under the notion of necessity or other pretence, obtain license, and serve their whole lives in other countrys . . . whereby this island is no better than a nursery for other places, and the useful servants going off, and but a few left, besides such depraved, useless, or inactive people, who are rather a burden than any real service to the Island, upon which will inevitably ensue the utter decay, not only of husbandry and tillage, but also of all kinds of trade."[4]

One obvious remedy was available for this difficulty. The

[1] Statutes, Isle of Man, p. 132.
[2] Ibid., p. 5.
[3] Ibid., p. 107.
[4] Ibid., p. 192.

young people were leaving the Island because of the intolerable injustice of the labour laws. If the laws had been repealed, if servants, like other folk, had been left free to make their own bargains, the difficulty would have disappeared. Such a remedy, however, would hardly have been adopted by any Legislature in the first quarter of the eighteenth century, and the little self-elected Chamber which represented the people in the Isle of Man could not be expected to act on sounder economical principles than the Parliaments of larger countries. Tynwald, therefore, instead of adopting a wise and liberal policy, endeavoured to prevent the "inconveniences" by placing a restriction on the prerogative of the Governor; and decided that in future no unmarried young man or woman, not well known to the Governor, should have a license to depart this Island unless they produced a certificate from the vicar and captain of the parish that they had never been in service: and that persons in service should have no license to depart until they produced a certificate that they were twenty-five years of age,[1] and that they had served for seven years or other lawful apprenticeship.[2]

The Act of 1713 marks the lowest point to which this legislation descended. In 1747 Tynwald took a little more sensible course, and suspended for three years the legislation relating to the yarding of servants. In 1753 it retraced its steps, and again permitted yarding; but in 1763 it raised the rate of wages for men to £2 and for women to £1 a

[1] In 1737 the master of a vessel taking any person whatsoever "off this Isle" without the Governor's license was made liable to a penalty of £10. The Governor's pass was required throughout the first third of the present century; and, as a matter of fact, the Act of 1737 still remains unrepealed. The form of the pass is given in Feltham's Tour, p. 323.

[2] Statutes, Isle of Man, vol. i. p. 191.

year;[1] and at last, in 1777, declaring that it was "expedient to repeal all obsolete and useless laws, which, however properly adapted to more early ages, are now become insufferable and oppressive, it revived the statute of 1747, and swept away the labour legislation of the seventeenth century.[2]

Thus, in one important particular, the closer connection which the Act of Revestment induced between the Island and the English Government operated to the marked advantage of the most numerous and most dependent classes of the Manx people. In almost every other respect the revestment inflicted serious injury upon them. They had thriven on smuggling; ruin seemed imminent on its suppression. Ports which had been crowded with shipping, laden with the teas and spices of the East, with the tobacco and sugar of the West, and with the wines of Europe, were thenceforward frequented by only a few coasting vessels. Property, which had risen in value, or which had been almost created by the demand for warehouses and offices due to the illicit traffic, became unsaleable. The merchants of Liverpool and Glasgow, who had made the Island, from which they had drawn their irregular profits, their place of business, hastily left its shores;[3] and the bold seafaring men, who had earned their livelihood by running cargoes from Douglas to the Scotch, English, Welsh, and Irish coasts, found that their chief occupation was gone.

Yet, in the hour of its distress, the Island found strange means of regaining some of its former prosperity. It had lost the presence of British merchants engaged in an illegal trade: it suddenly became the favourite residence of gentlemen whose

[1] Train, vol. i. p. 110. The Acts of 1747, 1753, and 1763 are not printed in the Statute Book. The Act of 1747 is, however, referred to in the Act of 1777.

[2] Statutes, Isle of Man, vol. i. p. 305.

[3] Ann. Reg., 1765, p. 96.

faults or whose misfortunes made it inconvenient for them to reside in Great Britain.

By an Act of Tynwald passed in 1737, the year which succeeded the Duke of Athole's accession to the sovereignty of the Island, it was enacted that "any person prosecuted in this Isle for a foreign debt . . . shall for the future be held to bail only for his personal appearance to such action, and for the forthcoming of what effects he hath within this island, to answer the judgment upon the same."[1] "This was the law," wrote Train, "which rendered Man, for nearly a century afterwards, the sanctuary of the unfortunate and the profligate of the surrounding nations, who flocked thither in such numbers as to make it a common receptacle of the basest of their kind."[2]

Perhaps it may be necessary in these later days to explain how such a thing was possible. In the period, during which the law was in force, the only remedy in Great Britain against the debtor who was not in trade was to make him insolvent, and practically the only remedy against the insolvent was imprisonment. The law gave the creditor power to throw the insolvent into prison till he either discharged his debt or proved that he had no property to pay it. For one portion of his property the law, indeed, had such reverence, that up to 1833 real property was not liable for the discharge of simple contract debts.

A law, therefore, which exempted the debtor from arrest for his English debts in the Isle of Man, enabled the dishonest to live in the island without risk, and, if he were a wealthy man, with all the luxuries which his riches could procure him. Men of wealth who found it inconvenient to pay their debts

[1] Statutes, Isle of Man, vol. i. p. 216.
[2] Train, vol. i. p. 239.

made the Island their home; and, though some Manx people were honest enough to desire that the law should be amended, and that the Island should no longer be made the refuge of fraud or misfortune, it was openly replied that "the prosperity of the country arose from its being the residence of (such) strangers, and that without them it would be a miserable place."[1]

Society of this character did not tend to raise the moral tone. The people who were spending the most money—who formed what, in a larger country, would be called the classes—were persons notoriously evading their creditors and shunning the discharge of their just liabilities. A witty visitor at Douglas is said to have written the following lines:—

"When Satan tried his arts in vain
The worship of our Lord to gain,
The earth (quoth he) and all is thine,
Except one spot which must be mine;
'Tis barren, bare, and scarce a span,
By mortals called the Isle of Man.
That is a place I cannot spare,
For all my choicest friends live there."[2]

A better time was, however, gradually coming. In England in 1813 Romilly was carrying the Act which opened the prison doors to thousands and tens of thousands of insolvents. In 1814 Tynwald followed, although imperfectly, his example, and passed a cautious measure for the insolvent's relief. In the same year, urged on by the English Government, it took a much more important step, and repealed the iniquitous provisions

[1] Woods, Isle of Man, p. 298. Woods refers to the case of a gentleman resident in Douglas, who had been condemned to pay £20,000 damages in an action for crim. con. Woods adds, "His credit here stands very high; and I heard the Chief Deemster say in open court that he should consider his security for the payment of a debt equal to a bank-note. Ibid. 300.

[2] Manx Soc. Pub., vol. xvii. p. 120.

of the Act of 1737, which had made the Island the refuge for debt and fraud. Yet the measure exempted from its operation all persons who had resided in the Island for more than six months, and who were not indebted to the Crown, who had not fled from their bail, or who had committed no offence against the bankruptcy laws. Notwithstanding these exceptions, the effect of the Act was large. "Many withdrew from the Island to seek protection elsewhere, carrying with them their unjustly acquired wealth, which otherwise might have found its way into the pockets of the islanders. As this was an event which had been totally unexpected, a sudden panic struck the greater part of the native inhabitants, and a stagnation of trade followed similar to that which took place at the revestment; all indulged in the most gloomy apprehensions as to the future prospects of the community; [while], although the Non-Protection Act had been passed by the insular Legislature at the instigation of the British Government, the Duke of Athole was blamed by the islanders for being the chief promoter of the unpopular enactment." [1]

The reed on which the Island leaned had again broken. The British Legislature in 1765 had deprived it of the profits of an illicit trade. Its own Legislature in 1814 had declared that it should be no longer the refuge for debt and fraud. But, just as smuggling lingered for years after the passage of the Mischief Act, so the Island for some time after 1814 continued the resort of fraud and misfortune. The law, in the first place, did not apply to those who had made it their refuge before 1814; and, in the next place, its remoteness and the cheapness of prices combined to recommend it. Thus it maintained the reputation which the Protection Act had gained

[1] Train, vol. i. p. 253.

for it when it was no longer subject to the reproach which that Act entailed; and readers of "The Newcomes" will remember that, when Mr. Honeyman's friends met to consider what could be done for him, Mr. Warrington was on Mr. Pendennis's side, and urged that the law should take its course. "Why help a man," said he, "who will not help himself. Let the law sponge out the fellow's debts, set him going again with twenty pounds when he quits the prison, and get him a chaplaincy in the Isle of Man."

The Island, too, was becoming better known, and the greater knowledge of it was adding to its welfare. The cheapness at which people could live in it was attracting other residents besides debtors; the stories which were told of its scenery and climate were tempting visitors to brave the discomforts of the inevitable sea-passage. Woods, writing in 1811, said "that a family may live, especially in the country, and more particularly in the northern part, at a very small expense." He adds, "I was informed that half a century ago a gentleman might keep his carriage and live sumptuously for £100 per annum." Such conditions naturally tempted many persons to reside in it. When Boswell suggested writing an account of the Island, moreover, he probably regarded it as unknown as Corsica. In the beginning of the nineteenth century it was becoming known. Townley published a journal kept in the Isle of Man in 1791; Robertson his tour through the Island in 1794; Feltham his excellent account of it in 1798; Woods followed with his account of its past and present state in 1811. A mail service was established, the mails leaving Whitehaven every Monday night (if possible), and the packet made up fifteen beds. A still larger boat with fifty feet keel, the size of a first-class fishing-boat, sailed occasionally from Liverpool, and performed the journey on an

average in twenty-four hours.[1] Literature was also adding to the knowledge of the Island. Scott,—whose brother Thomas, it may be recollected, was among those who had sought protection in the Island from his creditors,[2]—with the assistance of Train's investigations, wrote "Peveril of the Peak" in 1822. Wordsworth, in 1833, paid the visit to the Island which inspired nearly a dozen sonnets. Matthew Arnold some years later wrote the well-known poem to a gipsy child whom he met on the beach at Douglas.

Thus, though no one could have anticipated a time when the Island was to become the play-ground of Northern England, and the summer traffic between its shores and the English coasts was largely to exceed in volume the summer traffic between England and the Continent, the Island was becoming better known and more frequented; and the stream of visitors, slender as it still was, was increasing the resources at its disposal. While these various causes, however, were slowly preparing a brighter future, its existing condition still continued unsatisfactory. The old disagreements between the Duke and the people were intensified in 1814 by an appointment which the Duke made in that year; for a vacancy in the bishopric enabled him to select his nephew, George Murray, son of the Bishop of St. David's, for the See.

In consequence, from 1814, the two chief personages in the Island were uncle and nephew. The uncle had already made himself unpopular by the persistent manner in which he had pressed his own claims, to the injury, as it was thought, of those of the people. The nephew was, unfortunately, destined to acquire similar unpopularity. Up to the time of Bishop Wilson, tithe seems to have been paid by the farmers, not merely on corn crops, but on green crops. Later bishops had, how-

[1] Feltham, p. 120.

[2] Lockhart's Scott, p. 189.

ever, waived the claim, or, at any rate, had forborne to collect that portion of their tithe. Bishop Murray revived the demand, offering to commute the whole tithes for a fixed annual payment of £6000 a year. Tithe commutation would probably have been beneficial both to the Church and the people, but the sum for which the Bishop offered to commute the tithe was perhaps excessive. It exceeded, in fact, by about one-tenth the sum for which the tithes were ultimately commuted in 1839. It is not surprising, therefore, that Tynwald rejected the Bishop's proposal, and it perhaps is equally not surprising that the Bishop, chagrined at its rejection, should have decided on enforcing the tithe on green crops. Carrying his claim in 1825 to the highest tribunal, the King in Council, he obtained a decision in his favour. But it was one thing to obtain a judgment from a court of law, it was another to carry out the decision of the law courts. Ireland was at this time showing that tithe-proctors were powerless before a determined people, and in the little arena of the Island the scenes which were disgracing Ireland were re-enacted. Riots occurred; the people assembled in such numbers that they overpowered the small body of troops which was alone available to preserve order; and the Bishop, convinced that the struggle which he had commenced was hopeless, abandoned his claim. But the unpopularity which his conduct had provoked did not cease with its abandonment. The Bishop found that the claim which he had endeavoured to enforce was neither forgotten nor forgiven; the Government of England rightly considered that the best method of restoring peace was to remove the cause of disorder; and accordingly, in 1827, Lord Goderich translated Murray to the See of Rochester.

Two years before the Bishop had carried his claim to the Privy Council, and four years before his translation to Rochester

the Duke, his uncle, had become wearied of a long contest in which he had acquired nothing but unpopularity. Accordingly, in 1823, he intimated his readiness to sell his whole remaining interests in the Island, and in 1825 Parliament passed an Act empowering the Treasury to buy them.

In accordance with the provisions of this Act, arbitrators were appointed by the Treasury and the Duke to ascertain the value of the annuity granted to the Duke in 1805, of any reserved sovereign rights which the Duke still claimed and possessed, and of all his real property, manorial and other rights, and ecclesiastical patronage; and, after a long inquiry, the commissioners arrived at the following valuation:—

Annuity under Act of 1805	£150,000
Lands or quit-rents and alienation fines . .	34,200
Ecclesiastical patronage, mines, and other rights	232,944
	£417,144

A Bill to give effect to this sale was introduced into the House of Commons in 1829, but was not proceeded with; the Government probably considering that it had power to complete the purchase without fresh legislation.

Thus, from first to last, the English Government paid the Duke of Athole close upon half a million of money for the little Island which, four centuries before, had been granted to a remote ancestor on the singular tenure that he should present to the Crown a couple of falcons on coronation day. Verily, in the interval, the unearned increment had rolled up in the Duke's favour. The price, of course, was absurdly extravagant. The sovereignty, which the Duke's father had valued at £70,000, was destined to realise three times that sum, or £220,000; and patronage, which had no pecuniary value, was purchased as if it were likely to be bought or sold. But,

extravagant as the bargain was, the Crown did not lose by it. Justly or unjustly, it continued to pay the surplus revenues of the island into the Consolidated Fund, and from this source it derived an adequate return for the moneys which it had invested in purchasing its sovereignty. The extension of mining increased the revenue which it derived from its manorial rights; and the Crown thenceforward derived many thousands a year from its insular property.

The purchase of the Duke's property and of his manorial rights marks the conclusion of the longest period of insular history. No dynasty had previously maintained so lengthened a connection with the island. It is difficult to fix any exact dates for its Welsh sovereigns. The two lines of its Norse rulers had occupied its throne for more than three centuries; a hundred and forty years covered the period in which England and Scotland had contended in it for the mastery; but more than four centuries had passed from the first grant of the Island to the House of Stanley to the final departure of the fourth Duke of Athole. In the centuries which had intervened both Stanleys and Atholes had left their mark on Manx history; and the Stanley who restrained the power of the Church in the fifteenth century, the Stanley who supported the cause of monarchy in the seventeenth century, the Stanley who consented to the Act of Settlement in the eighteenth century, were men whose memory deserves to be preserved. Yet, on the whole, they had done little to develop the resources of the Island, which they had made only their occasional home; they had failed to identify themselves with the fortunes of its people or to sympathise with their lot. From first to last they had been great feudal proprietors rather than wise sovereigns, and they had displayed the faults of a landlord rather than the virtues of a ruler. If this verdict be true of the Stanleys, it is

still more true of the Atholes who succeeded them. If they are not deserving of the reproach, which still clings to their memory in the Island, they cannot be commended for any great action, or, with the exception of the legislation of 1737, for any wise policy. And perhaps history can find no better epitaph for the last of them than the language which Carlyle applies to Calonne:—

"Worse men there have been, and better; but to thee also was allotted a task of raising the wind and the winds—and thou hast done it."

CHAPTER XVI.

MODERN TIMES.

THE historian who endeavours to trace the story of a people in past ages has difficulty in unravelling the complicated mass of material which is frequently at his disposal; but the historian who carries his narrative down to times within his own memory has a still harder task to discharge. He is always in danger of being misled by the sympathies and prejudices of living witnesses, whose testimony he is bound to consider. It becomes more difficult for him to maintain the judicial impartiality which it is his first duty to observe. He is tempted to write as if he were still pleading at the bar, and forget that it is his business to take his seat upon the bench.

Fortunately, however, the history of the Isle of Man from 1829 to the present time offers little opportunity for controversy. Disputes there were, and the sound of them is still occasionally heard, but their relation need not disturb the student's equanimity. Their purport can be stated without heat, their settlement without partiality.

The only really serious constitutional question which the Revestment had raised was essentially financial. Parliament by a strong act of supremacy had taken into its own hands the power of taxation. The right of Parliament to do this will not

be disputed by the best authorities; but the best authorities will, at the same time, admit that the right was one which could only be justified by its necessity. The moment, however, Parliament took the power of insular taxation into its own hands, its interests and those of the Island were necessarily brought into sharp conflict; for it was the interest of Parliament to level up the insular duties to the English standard, while it was the interest of the Island that the duties should be low, so that the cost of living should be reduced as far as possible.

This conflict between the interests of the little island and those of the great kingdom was not so marked from 1767 to 1805 as from 1805 downwards. In the earlier statutes, by which Parliament imposed taxation on the Manx people, it had decided that the insular revenue should be kept separate from the funds of the United Kingdom. It was permissible to believe, or at any rate to hope, that it was the intention of Parliament to apply them to insular purposes. But from 1805 downwards such faith, such hope, were equally impossible. The revenues of the Isle of Man were thenceforward merged in the Consolidated Fund of the United Kingdom.

In these circumstances it was natural that the Island should steadily oppose any further additions being made to the Manx duties, and in 1837 such a policy was proposed by the Treasury. The insular Legislature displayed a serious alarm. The House of Keys sent a deputation to London. The gentlemen comprising it took the bold course of asserting that insular taxation could not constitutionally be increased without the consent of the insular Legislature, and Government withdrew, or at any rate abandoned for the time, the proposal of increased duties.

While this question was in progress, however, a feeling was arising in the Island that something more was required than a policy of resistance. The House of Keys was a self-elected body. The great Reform Act had lately passed the English Parliament. The debates upon it had penetrated to the Island, and had induced a few leading Manxmen to reflect on the constitution of the Chamber which was said to represent the Manx people. A desire in consequence arose for the reform of the House of Keys, and petitions were sent to the Governor suggesting this reform. It must be presumed that before replying to these petitions the Governor consulted the British Ministry; he could hardly have selected a more unfortunate moment for the purpose. The Whig Ministry of that time was suspending the constitution of Canada; it was on the eve of asking Parliament to suspend the constitution of Jamaica; autonomous dependencies were giving it trouble, and it was not likely to regard with much favour the institution of an elected Chamber in a little island within sight of its own shores. The reply which the Governor was directed to address to the memorialists was short and decisive:—

"It is my duty to inform you that such a change in the constitution of the Isle of Man cannot be agreed to; and I have further to inform you that, if any reform in the House of Keys is found to be really wanted, representation in Parliament may be the measure of reform adopted."[1]

The reply, more decisive than courteous, effectually answered its purpose. Manxmen were too much afraid of losing the little remnant of autonomy which was left to them to go on pressing for reform; and, if the English Government had taken

[1] Debates, Tynwald Court, vol. ii. p. 204.

no further measures, the Island might have lapsed into its usual apathy. In 1844, however, Peel's Ministry renewed the proposal to rearrange the whole of the insular customs duties. The Island again resisted the project, and the Government ultimately consented practically to forego any advantage they would derive from the increased duties, and to pay to the Harbour Commissioners of the Isle of Man a sum of £2300 a year, which, it was estimated, would enable them to repeal the harbour dues which were levied in the insular ports. The arrangement, which was made in 1844, continued in force for nine years. But in 1853, during Lord Aberdeen's Administration, a new and better system was substituted for it. Up to that year the English Government had endeavoured to prevent smuggling from the Island into England by limiting the amount of dutiable goods imported into the Island. In 1853 it decided on getting rid of this limitation, and, in order to diminish the chances of illicit trade, on concurrently raising the insular duties. The proposal again aroused the opposition of the insular Legislature. It sent a deputation to London, which re-fought the old battle which had been so often fought before; and it was finally decided that the duties should be increased, but that the additional revenue which would thereby be raised should be applied to insular purposes. It was estimated that one-ninth part of the whole revenue would in future be due to the increase of duties, and it was accordingly enacted in 1854, when the proposal was sanctioned by Parliament, that this ninth should be applied towards effecting improvements in the harbours and other public works in the Isle of Man. "And it shall be lawful for the Court of Tynwald to determine what improvements and public works shall be so undertaken, the Lieutenant-Governor having a veto on such decision."

In 1863, nearly ten years after this settlement was made, Mr. (now Sir Henry) Loch was appointed to the governorship of the Island. He had the perspicacity to see that its prosperity depended on the improvement of its communications with the United Kingdom, and that these communications could best be improved by enlarging the capacity of its harbours and the accommodation of its landing-stages. He accordingly commenced the great series of harbour works which has been continued ever since. But it was obvious that works such as those which he was projecting could not be carried out unless the revenues of the insular Government were increased. He accordingly proposed to raise again the insular customs duties, on the understanding that the increased revenue should be at the disposal of the insular Government. This proposal led to the financial arrangement of 1866, under which the revenue of the Island was thenceforward made applicable to the following purposes:—(1) The cost of collection; (2) the cost of Government; (3) a sum not exceeding one-ninth of the customs revenue to be applied towards improving the harbours and other public works in the Isle of Man; (4) a sum not exceeding two-ninths of such revenue to be applied towards improving the insular harbours; (5) the payment of £10,000 a-year—being the amount which the Consolidated Fund had, on an average, derived from the surplus revenues of the Island—to the Imperial Exchequer; (6) the balance, if any, to be applied towards such insular purposes as the Tynwald Court might determine—the Governor having a veto on the decision.

Under the arrangement which was thus gradually elaborated in 1844, in 1853, and in 1866, the Imperial Exchequer was practically allowed to retain the original surplus revenue of

the Island, but the fresh surpluses, created from 1844 downwards by additional taxation, were left to the disposal of the Island. The first part of this arrangement was almost the necessary corollary of the policy of the Imperial Government from 1765 to 1805. If it were true, as was practically decided in 1805, that the Duke of Athole was entitled to a beneficial interest in the insular revenue, it followed that the Imperial Government, which had acquired his rights by purchase, was entitled to the same benefit. If, again, the £220,000 which, from first to last, was paid for this interest, was not excessive, £10,000 a year was not an immoderate return on the purchase-money. A few Manxmen occasionally still argue that the £10,000 should belong to the Island, and not to the Imperial Government; but having regard to the whole of the circumstances, remembering also that the Island contributes nothing to the cost of Imperial defence, from which, in common with all Her Majesty's possessions, it derives so distinct a benefit, the arrangement is one which is certainly not disadvantageous to the Isle of Man.

But, though these Acts provided a satisfactory compromise so far as the surplus revenue of the Island was concerned, they still maintained the principle, which had first been asserted in 1767, that the insular customs duties should be regulated by the Imperial Parliament. As an Act of Tynwald cannot amend an Act of Parliament, it is difficult to see how this system can be avoided, even if any strong feeling should arise for terminating it. Practically, however, Parliament in the last few years has made a concession on this point, which appears likely to prove permanently satisfactory. It has authorised Tynwald, by resolution, with the approval of the Treasury, to make any change it thinks proper in the

insu'ar tariff; but it has provided that such change shall cease to be operative if it is not confirmed by Parliament within six months, if Parliament is not sitting when it is made, or in the current session, if Parliament should be sitting. This provision has maintained the supremacy of the Imperial Parliament, while, as Parliament now merely registers what Tynwald proposes, it has maintained it without exciting heart-burning or jealousy.

In making the fiscal changes which were approved in 1866, a considerable measure of organic reform was simultaneously effected. The Governor suggested to the Imperial Government, and the Imperial Government approved his suggestion, that, if Tynwald were given a power of financial control, the House of Keys should be made a representative body. The readiness with which the Imperial Government accepted that recommendation is a proof how largely ideas of the government of dependencies had been altered in the period of a single generation. In 1838, as we have already seen, the Governor had been instructed to reply to the demand for representation that any change in the constitution of the House of Keys might take the form of representation in Parliament. In 1846 the then Governor had advised the Imperial Government to refuse representation to the people, on the ground that the concession of representative institutions would lead to an inconvenient demand for financial control.[1] In 1853 the Secretary to the Treasury, in arguing against the claims of the Island, used opposite language, and declared that "it was impossible to permit the House of Keys as [then] constituted, being a self-elected body, to have any voice in the distribution of public money;" and in 1866 the Ministry had the wisdom to insist that financial reform should be depen-

[1] Debates, Tynwald Court, vol. ii. p. 204.

dent on organic reform, and that financial control should only be conceded to the insular Legislature when the House of Keys was reformed.

The reform which was consequently effected infused new life into the insular Legislature. Men there were indeed who regretted the old House, and contended that the self-elected Keys contained more ability than the representative chamber which had supplanted them; just as in England there are possibly even now men who think that an unreformed House of Commons contained more statesmen than the reformed House. Lovers of the antique may be found in every community. But, just as the reformed House of Commons acquired the strength which popular support afforded it, so the reformed House of Keys gained an influence which the unreformed House could never have obtained. Its members spoke not as individuals but as representatives; the measures they demanded were thenceforward urged not in their own name, but in those of their constituents.

Under the old system, indeed, which was thus modified in 1866, the Legislature could never have acquired the power which it now enjoys. While the whole revenues of the Island were paid into the Imperial Exchequer, its expenditure was necessarily defrayed by the Imperial Government. Tynwald had consequently no voice in the management of its own finance; and, in matters of administration, the Island for one hundred years—*from* 1765 to 1866—was little better than a department of the Home Office. The measure of 1869 restored to the Isle of Man much of the independence of which it had been deprived by the Revestment; and, thenceforward, though its Governors acted under the Home Office, and the Treasury was still empowered

to control its expenditure, Tynwald was practically given a free hand, and was allowed to manage its own affairs in its own way.

During the period with which this chapter is concerned, the struggle which the Island maintained for a right to dispose of its surplus revenue is the most important circumstance in its history. But during the same period another battle was fought by its people for the retention of its bishopric.

The commissioners who were appointed in 1835 by Sir Robert Peel to consider the requirements of the Church of England stated among other things that the number of parishes in the Isle of Man was too few and the whole population too small to justify the continuance of a bishop there;[1] they accordingly recommended that the See should be united to the diocese of Carlisle, and in 1836 a Bill was introduced to give effect to this recommendation. So far as the Isle of Man was concerned, little or no opposition was in the first instance excited by the passage of the Bill; but it had no sooner become law than vigorous remonstrances were raised both in England and in the Island against its provisions. The See of Sodor and Man, it was contended, was the oldest See in the British Islands, its admirers referred it to St. Patrick, and they raised a loud protest against the suppression of the diocese. They were warmly supported by the diocesan, Bishop Ward, who had succeeded Murray in 1827, and whose episcopate is still remembered for the zeal with which he prosecuted his duties. The Manx clergy and the Manx bar, roused from their temporary lethargy, raised their opposition to the Bill, and the Government decided to give way and leave the diocese alone.

[1] Train, vol. i. p. 370.

Years afterwards, in the time of Sir Henry Loch, the project was again revived, the Government of the day proposing to unite the Manx See with the new diocese of Liverpool. It was decided to sweeten the change by applying a large portion of the revenues of the See to the improvement of the incomes of the parochial clergy; but the measure again excited warm opposition in the Island, and it was abandoned.

Though the Manx have succeeded in retaining their ancient bishopric, it cannot be said that, as a people, they are warmly attached to the Establishment. The bulk of the population may perhaps be described paradoxically as Nonconformists who conform to the Church. Many of them attend the service of the church on Sunday morning and the service of the Dissenting chapel on Sunday evening, while most of them bring their children to church to be christened, and come to church themselves to be married. Nonconformity in the Island has thus never taken the aggressive form which it wears in other Celtic communities. The tithe is paid without murmuring; a small cess is annually voted in almost every parish in the Island,[1] and excites no remonstrance; religion rarely enters into insular politics; and Churchmen and Nonconformists are not divided, as in other places, into opposite camps.

[1] The morning offertories in the parish churches are, by long-standing custom, given to the poor; and, except in Douglas and Ramsay, there is no compulsory provision for the relief of the insular poor. The Nonconformists are said to believe that, if the cess were abolished, the morning offertories would necessarily be applied to church expenses, and provision for the support of the poor would have to be made by a rate. The Nonconformists conclude that they had better, therefore, bear the ill they have, in the shape of a moderate cess, rather than run the risk of incurring a greater evil in the shape of a poor-rate.

Those who are accustomed to trace effects to antecedent causes may perhaps conclude that this absence of dissension is partly due to the circumstance that Nonconformists were never subjected to the disabling legislation which survived almost to our own times in other parts of the British Islands. It is certainly not due to any lack of energy among the Nonconformists. Methodism, since its first introduction in 1775, has in fact made, and is making, rapid progress. Woods, when he wrote his account of the Island in 1811, computed that at least one-tenth part of the inhabitants were Methodists, while Wesley, who visited it in 1777, himself said—and his words have still some truth in them—

"We have had no such circuit either in England, Scotland, or Ireland. This island is shut up from the world. There are no disputers—no dissenters of any kind. The Governor, Bishop, clergy oppose not. They did for a season, but they grew better acquainted with us."

Thus, during the last two generations, few questions affecting either politics or religion have disturbed the peace of the Island. The little Legislature has shown a disposition to adopt the reforms which have been accepted by the larger countries around it. Many of its measures—its Criminal Code, its Education Acts, for example—are based on, or are copied from, the legislation which has been adopted by Parliament. The people in the meanwhile have been mainly occupied in promoting the material prosperity of the Island, and in gathering the rich harvest of gain which some 250,000 to 300,000 tourists afford them. But though, as a rule, they mingle little in politics, they would keenly resent any interference with their legislative independence, and they possess a strong reason for their faith in the lightness of their own burdens, and in their comparative immunity from taxation.

They have no income-tax, no death-duties, and, except a small duty on beer, no excise. They have no grave political questions, no domestic troubles, no foreign policy. Thus of them it may be truly said, that "Happy are the people that are in such a case."

CHAPTER XVII.

THE CONSTITUTION OF THE ISLE OF MAN.

"OUR Doughtfull and Gratious Lord, this is the Constitution of old time, the which we have given in our days, how you should be governed on your Tynwald Day. First, you shall come thither in your royal array, as a king ought to do, by the prerogatives and royalties of the Land of Mann. And upon the Hill of Tynwald sitt in a chaire, covered with a royal cloath and cushions, and your visage unto the east, and your sword before you, holden with the point upward; your Barrons in the third degree sitting beside you, and your beneficed men and your Deemsters before you sitting; and your Clarkes, your Knights, Esquires, and Yeomen about you in the third degree; and the worthiest men in your land to be called in before your Deemsters, if you will ask anything of them, and to hear the government of your land, and your will; and the Commons to stand without the circle of the Hill, with three Clearkes in their surplisses. And your Deemsters shall make call in the Coroner of Glenfaba; and he shall call in all the Coroners of Man, and their Yards in their hands, with their weapons upon them, either sword or axe. And the Moares, that is, to witt, of every Sheading. Then the Chief Coroner, that is, the Coroner of Glenfaba, shall make affence, upon paine of life and lyme, that noe man make any disturbance or stirr in the time of Tinwald, or any murmur

or rising in the King's presence, upon paine of hanging and drawing. And then shall let your Barrons and all others know you to be their King and Lord, and what time you were here you received the land as Heyre Apparent in your Father's days. And all your Barrons of Man, with your worthiest Men and Commons, did you faith and fealtie. And in as much as you are, by the Grace of God, now King and Lord of Man, yee will now that their Commons come unto you, and show their Charters how they hould of you. And your Barrons that made no faith nor fealtie unto you, that they make now."

Such was the answer, which Deemsters and Keys gave in the fifteenth century, to a question evidently put to them by Sir John Stanley as to the course to be pursued at the annual gathering on Tynwald. The answer initiated, it must be recollected, no new custom, but directed how an old ceremony—already venerable from age—should be conducted. The visitors to the Isle of Man to-day, who are drawn in their hundreds and in their thousands to witness the promulgation of the laws on the 5th July, only see a faint copy of this mediæval spectacle. There, indeed, the Governor, as representative of the sovereign, still sits in a chair, draped with red, with his visage to the east, with his drawn sword on the table before him. There the Bishop, the solitary survival of the mediæval barons, sits by the Governor's side. Now, as in the olden time, the Deemster calls upon the Coroner of Glenfaba to fence the court. Now, as then, the retiring coroners deliver up their wands of office to the Governor, the incoming coroners receive them from him. And, if now the worthiest men in the land are no longer called in before the Deemsters to answer the questions of the Lord, the laws which Council and Keys have passed in the last twelve months are read

out;[1] and Council, Keys, clerks, and laity encircle the hill on which they are read.

Thus the modern ceremony, shorn as it is of much of its original significance, still preserves the traditions of the past, and carries back the reflecting visitor not merely to the time of the first Stanleys, but to the still older customs which Sir John Stanley revived and desired should be observed. At the same time, the alterations which have been introduced into the formula testify to the modifications which have been made in the government of the Island. For the constitution of the Isle of Man, like the constitution of the United Kingdom, is no rigid law. It has never been embodied in any document or regulated by any statute. It has changed, it is changing, it is susceptible of further change. Keys, Council, and Governor still represent, in some fashion, the Taxiaxi, the barons, and the Lord. But the functions of each of them have been modified in the course of ages. They are not what they were a century ago. They hardly resemble their predecessors five centuries ago. The influence of surrounding countries, and the introduction of modern ideas, have left their mark upon them; and except that there are still twenty-four Keys, and that the Keys are parties to the legislation of the Island, there is little resemblance between the modern Assembly and the old Legislature, which owes its traditional origin to King Orry.

It is the boast of the Manxman that the House of Keys had its origin before the House of Commons; and, as a matter of fact, it is probable that the ancient men of the Isle were gathered round the Lord in Tynwald before the sheriffs

[1] To save time, the side headings of the statutes so passed are only read out, first by the senior Deemster in English, afterwards by the Coroner of Glenfaba in Manx.

of English counties were instructed to send representatives to the King's court, and centuries before Simon de Montfort gave members to the English boroughs. But probably from the eleventh to the fifteenth centuries long periods elapsed in which no Tynwalds were held, and the Tynwald court, when it was assembled, could hardly be called a legislative body. The judicial functions of the Keys were of more importance than their legislative duties. The Keys were a jury rather than a Legislature. It is true that the Deemsters or judges were accustomed to consult them when they declared the law; but even in this duty the Keys resembled a jury aiding a judge. The points referred to them for decision were usually judicial rather than legislative. The Breast Laws[1] of the Deemsters were expositions of the common law of the island accepted by the Keys, the jury, who acted with them.

When the Keys thus met for the transaction of their ordinary business there is no evidence that they were elected by any popular voice. They were drawn, as special juries are drawn, from men of substance. They were the worthiest, the "auncientest" men, the elders of their own neighbourhood. Even then their presence in Tynwald was subject to the veto of the Lord. "Without the Lord's will, none of the Keys to be." The Lords, in short, had the right—if modern language may be used—of challenging each of the jurymen.

But, though on ordinary occasions the Keys were selected by the Lord's officers, when they were assembled for the special purpose of agreeing to more important legislation they

[1] It may seem strange to a modern reader to hear of Breast Laws; but the practice of the island has a parallel even in the language of Richard II., who said that "his laws were in his own mouth, and often in his own breast" (Stubb's Court Hist. of England, vol. ii. p. 506).

were apparently elected by the several sheadings. For in 1581 the Bishop (Merick) took occasion to object that, "if the twenty-four and the rest be called together for the establishing of a law to stand in force and bind his successors and the whole country, and not to decide a controversy, then he is of opinion that the twenty-four should be elected by the whole country—viz., of every sheading a number to say for and represent the rest." The Keys formally endorsed the claim which the Bishop thus made. "The twenty-four say that for establishing a law the country ought to give its consent for the choosing of the said twenty-four." The proceedings were thereupon stayed till the Lord's pleasure was known, and no laws were made till October of the following year, when Lord Derby either yielded the claim or the Keys abstained from pressing it." [1]

It seems clear, therefore, that—while, in ordinary circumstances, when they were assembled for judicial purposes, or, as the Bishop put it, to decide a controversy, the Keys were selected by the Lord's officers,—on special occasions, when laws of more than ordinary importance were proposed to them, they were sometimes elected by the people. But it may be assumed that this rule was not regularly observed. On occasions of unusual importance the Keys themselves were either supplemented or supplanted by representatives of all the commons of Man. In 1429 and 1430, for instance, the representatives of the commons, six of whom were chosen in each sheading, seem to have taken the place of the Keys. In 1643, on the contrary, four men were drawn from each of the parishes, and the laws proposed to be made were referred to a body composed of twelve men chosen out of the twenty-four Keys and twelve men out of the representatives of the parishes. The committee—if the modern name may be used

[1] Manx Soc. Pub., vol. xxxi. p. 7 note, and Isle of Man Statutes, vol. i.

—to which the laws were thus referred was not invested with legislative powers, for the laws which they made were confirmed some months afterwards at a meeting at which the whole of the Keys and all the representatives of the parishes had the opportunity of being present; and, as a matter of fact, no less than twenty-one of the Keys signed and consented to the laws which were then added to the statute book.

If, then, it is on the one hand probable that the Keys in the olden time were occasionally chosen by the people, so, on the other hand, it is apparent that the right of election was only exercised at rare intervals. By degrees, indeed, it dropped altogether out of use, and the practice grew up that, when a vacancy occurred among the Keys, the twenty-three surviving members nominated two persons for the vacancy. The Governor thereupon selected one of these two persons, who was entitled to continue in office for life, or until his resignation, or his expulsion from the Keys, or his promotion to the Council.

The election (if it can be so called) of the Keys continued to be conducted in this fashion till 1866, when, on the institution of the important financial reform, which has been described in the preceding chapter, the House was at last turned into an elective body.

In that year an Act of Tynwald was passed directing the dissolution of the old House and the election of a new House of Keys. Under this Act each of the six sheadings of the Island were given three members, the town of Douglas three members, and the remaining towns—Peel, Ramsey, and Castletown—one member each. The franchise was allotted to £8 owners and £12 occupiers in sheadings, and to £8 occupiers in towns. These enactments have since been modified. The franchise has been extended to £4 owners and occupiers,

both in town and sheading; it has been given to widows and single women as well as to men. The two least populous sheadings have been deprived of one member each; the two members taken away from these divisions have been allotted to the growing town of Douglas, which has been divided into two electoral districts, returning three and two members respectively; and the electors throughout the Island have received the protection of the ballot.

The Act of 1866, which converted the Keys into an elective body, deprived the House of the last remnant of its judicial authority. Up to 1825 the Keys had been regularly summoned to the court of general gaol delivery; and all serious offences had been tried before a court consisting of the Governor, the whole of the Legislature, and a jury drawn from all the parishes of the island. The court which was thus constituted was usually held twice in the year within the outer gate of Castle Rushen. The ecclesiastical members of the Council were accustomed to withdraw before sentence of death was pronounced,[1] and they were gradually relieved from attendance at a court at which their presence was obviously anomalous. In 1825 the Privy Council decided that the Keys did not, by the laws of the Island, form an integral or constituent part of the court of general gaol delivery; thenceforward they were no longer summoned to the court;[2] and in 1866 the appellate jurisdiction of the House was abolished by statute.[3]

Thus, in the course of ages, the constitution and functions of the House of Keys have been wholly altered. The assembly, which had originally been chiefly a judicial body, has become a branch of the Legislature; the House, which had been

[1] Manx Soc. Pub., vol. xxxi. p. 75.
[2] Ibid., p. 45, note.
[3] House of Keys Election Act, 1866, sec. 4.

usually selected by the Lord's officers, and none of whose members could sit without the Lord's will, has been converted into a representative Chamber. But time, which has thus played such pranks with the Keys, has added another important element to the Manx Legislature. By a process which can only be dimly traced, but whose effects are plainly visible, an Upper Chamber had been added to Tynwald.

The Lord in Tynwald, it has been shown, was not merely surrounded by the Keys: his greater barons were also present. But the greater barons had not apparently any particular part to play in the proceedings. They do not appear to have been consulted on the Breast Laws or judicial decisions which the Deemsters pronounced in concert with the Keys. They exercised, indeed, formidable powers on their own estates, but they had no special authority at Tynwald. Their presence at Tynwald was, in fact, evidence rather of subordination than a proof of power. Their fellow-countrymen might otherwise have forgotten that these formidable ecclesiastics could to some extent be checked by the sovereign—that they were, after all, only the Lord's men.

However this may be, with the dissolution of the monasteries the greater barons, with the single exception of the Bishop, disappeared from Tynwald; and about the time of their disappearance the Lord's chief officers, who came to be gradually known as his Council, took their place at that assembly. The Council indeed is mentioned in the Statute Book at least as early as 1422,[1] but it is mentioned as an executive, and

[1] It is worth while quoting the law in which the Council first appears:—"Alsoe that all great matters and high points that are in doubt, even as they fall, I will that my Lieutennant, or any of the Councell for the time being, take the Deemsters to them, with the advice of the elders of your land of Mann,

not as a legislative, body. One hundred and sixty years later, or in 1582, it appears to have acted in a legislative capacity. From 1628 the Council, or some parts of it, are expressly mentioned as assenting parties to legislation; and so lately as 1692 the whole customs duties of the Island were revised by the Governor and Council without reference to the Keys, and the book of rates which was then established was accepted and continued in force for forty-five years.[1]

In fact, during the greater part of the period in which the House of Stanley reigned in Man, the Island can hardly be said to have had any settled Legislature. "The laws and ordinances that were enacted during the fifteenth and sixteenth centuries," wrote the Royal Commission of 1791, "appear by the Manks Statute Book to have been prescribed by such different powers, or combination of powers, that as precedents of the exercise of legislative authority they can have but little weight." The Lord or his deputy sometimes acted on the advice of his Council; at other times he referred a doubtful point for solution to Deemsters and Keys; and this variation in the practice was so usual that the two bodies—one of which traced back its origin to a remote antiquity, while the other had been only recently constituted—were gradually recognised as equal in authority, and, in consequence, became the two branches of the Manx Legislature.

It was only, again, by gradual process that the Council

to deem the law truly to the parties, as they will answer me thereof. And that all doubtfull points be always registered upp, that it may be ready when such a chance falleth, that one doome or judgment be not given at one time one way, and another time contrary.—Statutes, Isle of Man, vol. i. p. 11.

[1] Report of Royal Commission, 1791, Appendix A., No. 3; and Manx Soc. Pub., vol. xii. p. 191.

acquired its present name. In some statutes it was called the "Lord's officers," in others the "Lord's Council," in others again the "officers of the Lord's Council." It was only gradually, too, that its composition became fixed. So lately as 1791 the highest authorities in the Island differed in opinion as to those who were or were not entitled to a seat in the Council; and from 1777 two successive Governors declined to summon the clerical members of the Council to its meetings.[1]

The Council now consists of the Bishop, the Attorney-General, the Clerk of the Rolls, the two Deemsters, the Archdeacon, the Receiver-General, and the Vicar-General. It can only sit on the summons of the Governor, who presides at its meetings. With the exception of the Vicar-General, who receives his appointment from the Bishop, all the members are appointed by the Crown; but the odd rule prevailing in Crown colonies, under which official members of the Council are required to vote with the Governor, has never been applied to this body.

The two branches of the Legislature are of co-ordinate authority. Public Bills may be introduced in either of them, though, as a matter of fact, legislation usually emanates from the Council. In the Isle of Man, as in the United Kingdom, the work of legislation tends to fall more and more into the hands of the Government, and the Chamber in which the Governor sits, and in which his chief legal adviser, the Attorney-General, is present, naturally tends to become more and more the House in which new laws originate.

The course which is followed with legislation is similar to that pursued at Westminster. In the Council, Bills are read a first time, a second time, are considered clause by clause, and

[1] See Lieut.-Governor Shaw's Paper in Appendix B., Report of Royal Commission of 1791, and in Manx Soc. Pub., vol. xxxi. p. 277.

read a third time and passed. In the Keys, leave is asked for the introduction of a Bill; the Bill is subsequently read a first time, considered on the second reading clause by clause, and is then passed. In the event of a disagreement between the two branches, conferences are usually held. These conferences are always held in the Council Chamber, and the Governor, as a general rule, represents and explains the views of the Council. The Keys are represented in the conference by a deputation of five, six, or seven members, one of whom usually acts as spokesman, but whose views are frequently supported by his colleagues. The conference, therefore, closely resembles what used to be known as a free conference in Parliament; but it usually proves an efficient contrivance for reconciling differences.

On the passage of a Public Bill it is signed at a meeting of the two branches of the Legislature, meeting in Tynwald under the presidency of the Governor; and no Bill can become law unless it receives the signatures at this stage of at least thirteen members of the Keys, or a clear majority of that house. The Bill thus passed is sent by the Governor to the Home Office for the royal assent. The practice in London is to refer it to the law officers of the Crown, who draw up a report upon it. If that report is favourable to its passage, it is laid before Her Majesty in Council, who thereupon, by and with the advice of her Council, approves thereof, and orders that the measure be confirmed, ratified, and enacted accordingly. The Act, however, does not become law till it is subsequently promulgated on the 5th July, or on some other day specially named by the Governor, at the Tynwald court annually held at St. John's in the open air.

As a matter of fact, the law officers not unfrequently draw attention in their reports to slight technical points which they

consider should be amended before a measure actually receives the royal assent, but there is not, at any rate in recent years, any precedent for the assent of the Crown being withheld from a measure on its principle. It is difficult to imagine that such a course could arise. The Governor represents the Crown in the Island; his assent is necessary to every measure before it can become law; and it may be reasonably expected that any Governor who understood his duty would ascertain from the Government their wishes in respect to any legislation which seemed likely to be regarded as objectionable; and, by refusing his own assent to it, would save her Majesty from taking the extreme course of disallowing it in Council.

Private legislation follows much the same course as is pursued with public Bills. Private Bills, however, usually, though not invariably, emanate in Tynwald. A petition is presented to the Governor praying for leave to introduce the Bill; the Governor directs that the petition shall be heard in Tynwald on a certain day. The advocate[1] promoting the petition is then called into Tynwald and heard; and the petition is usually referred to a committee to ascertain whether the standing orders of the court have been complied with, and occasionally to report on the merits of the measure. On receipt of the report, a motion is made that leave be given for the introduction of the Bill; the motion is put, and, if carried, the Governor names the branch of the Legislature in which the Bill will be taken up in the first instance.

In nothing, perhaps, is the advantage which the Manx enjoy from the existence of their local Legislature so conspicuous as in the case of private legislation. Bills of the utmost importance

[1] There is only one legal profession in the island. The members of the Manx bar discharge the duties both of the solicitor and of the barrister; but they are, like Scottish barristers, known as advocates.

to the Island, involving perhaps the construction of a new railway, are considered at a cost which is simply trifling compared with the expense of similar legislation in England. Bills of a minor character can be carried at a cost of a few pounds; and it may safely be stated that no village in the Island, however small, would be deterred from asking for the power which it required to obtain water by compulsion, for example, from any dread of the expense which such an application might entail. It is curious, too, that the insular Legislature, in dealing with private legislation, has from the first adopted without question a principle which is still disturbing the peace of larger communities. In the few cases of considerable improvement which has been made in the larger towns, a special rate has regularly been imposed on the property which has derived special benefit from the improvement. And every one is so convinced of the policy and propriety of the policy, that it is adopted as a matter of course, and regarded as a measure of justice. "Betterment" in London, where it is still unknown, has apparently many opponents. "Betterment" in Douglas, where it has been at work for a quarter of a century, has only supporters.

Private legislation embraces, or may embrace, most of the subjects dealt with by Parliament in what are known as public local Acts as well as in private and personal Acts. Public measures deal with almost every subject connected with the public welfare of the Island.[1] There are certain points, however, with which Tynwald does not deal, and which it leaves to Parliament to determine. For instance, matters affecting the post-office and telegraphic service, the regulation of the army, the conduct of the mercantile marine beyond the terri-

[1] Tynwald has full power to deal with questions affecting real property, the Church, trade (so far as internal trade and patents are concerned), and presumably copyright.

torial limits of the Island, and others, are almost necessarily dealt with by Imperial legislation. Even in these matters, however, there is an increasing indisposition on the part of Tynwald to allow Parliament to legislate; and the members of the court are always ready to supplement an Act of Parliament by an Act of Tynwald to prevent the necessity of seeing the Isle of Man expressly included in Imperial legislation.

In the few instances, in which Parliament legislates for the Island, a careful watch is kept on the progress of such Legislation. The Governor's attention is expressly drawn to every Bill introduced into Parliament, whether by a private member or by the Government, affecting the Island either directly or indirectly. If he has any doubt upon it, he consults the Attorney-General; and, if necessary, communicates with the Imperial Government, and asks that the Island may be omitted from the measure, or that the measure may be amended in some particular way. In practice these communications uniformly receive attention; the Imperial Government acts on the principle that the Island should be suffered to regulate its own affairs, and does not attempt to include it in Imperial legislation.

There is, however, one important exception to this general rule. Parliament in 1765, as has already been shown, bought the royalties of the Island from the Duke of Athole for the purpose of terminating smuggling into England; and it took then, and it has ever since retained, the control of its customs duties into its own hands. The insular customs duties are imposed by Imperial statutes; they are collected by officers of the Imperial Government; and, though Tynwald has the right of disposing of the surplus revenues, the normal expenditure of the Island is controlled by the Treasury. Whatever judgment may be formed on this arrangement, it is

obvious that while it remains in force such a crisis as occurred in Canada at the commencement of the present reign can never arise in Man. The Tynwald court cannot stop the machinery of Government by withholding supplies. The cost of Government might indeed be largely increased by the Treasury without the consent or the knowledge of Tynwald; and, as a matter of fact, the salaries of high officials in the Island have been so raised without any reference to Tynwald. For the last ten years, however, the Governor, while reserving the rights of the Imperial Government and of his successors, has given a personal undertaking that he will make no addition to the cost of government without first acquainting the Tynwald court. Following the rule of the statutes, however, he does not ask the concurrence of Tynwald in the new change; he merely gives the court an opportunity of objecting to the change, binding himself to defer to its decision if the objection is sustained on a division.

For some years after the Act of 1866 had passed, the Treasury had a direct interest in maintaining its strict veto over the expenditure of the Island. The surplus revenues were so narrow that its £10,000 might have been imperilled by any considerable addition to the cost of Government. But of late years the revenue, partly from a natural expansion, partly from increased taxation, has grown very rapidly, while the cost of government has not sensibly increased. In consequence the Treasury has no longer a direct interest in interfering with the wishes of Tynwald; its sanction has tended to become more and more a matter of form; and it practically accords a free latitude to the Governor and the Tynwald.

So long as it has confidence in the Governor, it is difficult to see how it could wisely act otherwise. The Governor,

it has been already shown, has by statute a direct veto on all expenditure, but by usage he exercises a still stronger power. Just as in Parliament no motion involving expenditure can be brought forward except on the recommendation of the Crown, so in Tynwald no motion involving expenditure may be made without the sanction of the Governor. The financial control, therefore, to a large extent rests with the Governor; he shapes the financial policy of the Island, and is responsible for its results.

It will be seen from the foregoing paragraphs that the disposal of the surplus revenue practically rests with the Governor and the Tynwald court. When the court meets for financial purposes, the two branches of the Legislature sit together, and the Governor presides. Debate is carried on by the members of both branches. In the discussions on these subjects neither branch has any privilege over the other. The rule which gives to the House of Commons an exclusive financial control is unknown to the House of Keys; and, whatever may have been the course of its financial history, there never was a period when supplies were voted by the Keys without the concurrence of the Council. In fact, the origin of the House of Keys and the origin of the House of Commons was different, and the difference has affected their later history. The Commons were originally summoned because the kings of England were in want of money, and had been forced to admit that they could not levy scutage, aid, or tallage without the consent of the people. The representatives of the people in England, as Sir W. Anson has put it, first calculated the amount due from each individual of a tax fixed by the Crown; next they determined the total amount which should be granted to the Crown; finally, they determined not merely the amount which the Crown was to receive, but the way in which the Crown was to spend

it.[1] The representatives of the Commons exercised, in short, financial duties before they obtained any legislative power. But there is no trace of any similar process in the history of the Keys. The Keys were originally not a financial body, but a judicial body. The process in their history was that they first adjudicated; that from adjudicating they were asked to declare the law, with which their judicial work made them familiar. On finance they were rarely consulted before the eighteenth century, and they never, consequently, obtained any exclusive financial privilege.

Though Keys and Council intermingle in financial matters in debate, when divisions are taken, each branch votes separately. The Governor takes the votes of the Council, and directs the Speaker to take the votes of the Keys. The members of neither branch retire while the division is taken, but merely answer "aye" or "no" when their names are successively called out. When the division is completed, the Speaker reports the result in the Keys to the Governor, who thereupon announces that "the Council is of the same opinion," or that the Council is of a contrary opinion, as the case may be. When the two branches concur in opinion, the question is carried or lost accordingly. When they differ in opinion, the question is lost, the separate concurrence of both branches being necessary for its passage.

On ordinary occasions no inconvenience results from these circumstances; in fact, no more difficulty can ordinarily result from a difference of opinion between two branches of a Legislature sitting in the same Chamber, than from a similar difference between two branches of a Legislature sitting in different Chambers. But for certain purposes the Tynwald Court acts not as a legislative, but as an administrative, body. It appoints, for instance, the boards or committees which govern the lunatic

[1] The Law and Customs of Parliament, vol. i. p. 14.

asylum and poor asylum, which supervise the highways, and which regulate education; and, as these boards and committees are required to be appointed on particular days, a difference of opinion as to their constitution may no doubt lead to administrative embarrassment. Such a difficulty did arise a few years ago in constituting the Asylums Board. The Council, which was in favour of some extensive additions to the asylum, vetoed the nominees of the Keys; and the Keys, who were desirous of greater economy in building, vetoed the nominees of the Council. In the result, the court was kept alive by adjournment, while the Houses agreed each to nominate two members for each vacancy on the Board, allowing the other House the right of vetoing one of those so nominated.

It is probable that with the exercise of a little tact any similar difficulty hereafter arising may be avoided in the same way. Yet it must be acknowledged that, while the forms of Tynwald remain as they are, the embarrassment might at any moment recur and become critical. But the highest inconvenience that would consequently result would be the protracted failure to elect an administrative board. In every other respect the machinery of Government would go on as smoothly as ever.

Any one who has read the preceding account with attention will have observed the unique position which is occupied in the Island by the Governor. As the representative of the sovereign, he has succeeded to many of the functions and privileges of the old Lords; and the circumstances of the Island, which is too small for the formation of a regular Ministry, has confirmed him in the possession of these powers, and has vested in him the sole executive authority. Thus, in addition to his legislative duties as president of the Tynwald court and of the Council, he discharges many of the duties which in other

countries are performed by responsible Ministers. He is his own finance minister, his own home secretary, his own president of the Local Government Board. If taxes are imposed, they are imposed at his suggestion; if expenditure is brought forward, it is proposed on his authority; if licenses are issued for the custody of dangerous goods, they are issued under his signature; if even local authorities require to borrow fresh money, the Tynwald court has required them of recent years to lay their applications before the Governor, with such information as he may require, in order that his opinion may be pronounced on their policy. Add to this that the Governor is responsible for the preservation of order; that the police of the Island are directly under his control; that, from the chief constable to the lowest constable, they act under his commission; that the insular prison is under his supervision; and it will be seen how large is the range of his administrative duties, which steadily tend to increase with the increasing requirements of modern society.

But the administrative duties of the Governor form only one portion of his functions. He is not only Governor, but chancellor. Till a few years ago he regularly presided at every sitting of the Chancery Court; he is also president of the Common Law Division of the High Court; he always presides when appeals are heard either from the superior or inferior courts of the Island; he presides at the general court of gaol delivery; he directs the examination of candidates for the Manx Bar; he regulates the terms of their admission to it; he commissions them to practise; in short, just as he is the supreme administrative authority in the Island, so the highest judicial powers are confided to him.

To these duties must be added those which he discharges as the representative of the sovereign. In this capacity he summons the Legislature, he dissolves the House of Keys, he

may prorogue the Legislature. The Tynwald cannot even adjourn of its own motion; it can only be adjourned by the Governor. Its members are forced to obey the Governor's precept to attend its meetings. His name may not be used to influence debate. When he speaks, he speaks sitting. The Keys at the end of each sitting send him a deputation to report their proceedings. In addition to these duties connected with the Legislature, he exercises as representative of the sovereign the prerogative of pardon; he disposes of most of the patronage of the Island. The appointments, which are made directly by the Sovereign are made on his recommendation, conveyed through the Secretary of State. Justices are similarly included in the Commission of the Peace on his nomination. Traces of a Manx militia still survive in the appointment of captains authorised to train the force in their respective parishes, and these officers receive their commissions from the Governor. The officers of the Isle of Man Volunteers also receive their commissions from the Governor, and not from the Crown.

Thus, in the Legislature, in the Judicature, and in the Executive, power is largely concentrated in the Governor; and, strangely enough, the progress of ideas, instead of limiting, tends to extend his authority. The precise influence which he may exert will necessarily depend on the character and capacity of the individual who happens to hold that office. But it will in any case be large, and in the hands of a man of judgment it will continue to increase. Judged by the powers which have been already enumerated, the Governor appears possessed of almost autocratic authority. Responsible as he is to the Crown alone, there seems at first sight no limit to his power. But, in practice, a Governor thrown into constant communication with the people, who approach him on every kind of business, and periodically confronted, not with his Council

alone, but with the two branches of the Legislature in Tynwald, necessarily learns to mould his views to the people's views, and to give shape and effect to their wishes. Thus, while the authority of the Governor tends to increase, its increase is regarded without jealousy. And the Legislature over which he presides, instead of restricting his functions, recognises, and even extends, his authority; and gladly sees him exerting his legitimate influence in promoting and directing the good government of the Island.

CHAPTER XVIII.

CONCLUSION.

It is one thing to describe the constitution and arrangements of a particular island: it is another to consider how far they conduce to the good government of its people, or tend to preserve harmonious relations with the larger countries with which it is associated. The people of the Isle of Man, it must be recollected, have no voice in the government of the United Kingdom; they send no representative to the Imperial Parliament; they have no concern in the political struggles and changes which take place at Westminster; and, it may be safely added, that they have no desire to take part in them. Proud of their own institutions, content with their own independence, they have no ambition to mingle in the larger conflicts of their neighbours. They reap the advantages of imperial protection and of their connection with the British Empire, but they never cease to recollect that they are not English, Scotch, Welsh, or Irish, but Manx, and that their first duty is to their own people.

The only link which unites them to the British Empire is the crown. Technically, the Isle of Man is not a British possession: it is a possession of the British crown; and, though the Queen has only once touched at the shores of the Island, and the members of her family have only visited it at rare intervals, there is no part of her Majesty's dominions where the people are more affectionately loyal to her person and her dynasty.

It has been of late years the policy of successive Ministers to leave the Island free to regulate its own concerns; and there is probably no part of her Majesty's dominions which gives her responsible advisers less cause for thought and concern. The Governor, indeed, is under the Home Office, and, within easy reach of London, he can personally communicate with the Secretary of State on any matter of importance. But, in practice, even these communications are not frequent; and Mr. Froude rightly says of Sir H. Loch, who for nineteen years conducted the government of the Island, and, by his energy and prudence, conferred the greatest benefits on its people, that "he achieved the highest success now-a-days possible—the success of being never spoken of outside his dominions."[1]

Politics in the Island take a different course from that with which Englishmen are familiar. Man affords a proof that autonomous institutions do not necessarily involve the existence of Ministries dependent on the will of the Legislature. Whatever may be the issues of debates in Tynwald, no one imagines that they will lead to the resignation either of the Governor or of any member of his Council. Perhaps for this reason there are no political parties in Tynwald. Differences of opinion of course occur, but in neither branch of the Legislature are rival views of government maintained by opposing factions. Questions affecting particular places in the Island, or the rival interests of town and country, occasionally excite debate; but a struggle between Liberals and Conservatives, or between Church and Dissent, is practically unknown.

Though legislation, as a rule, follows the course of legislation in England, it does not always do so. In the Isle of Man, for instance, there are no Factory Acts; and the absence of

[1] Oceana, p. 82.

large industries makes them probably unnecessary. Except in Douglas and Ramsey, the two largest towns, there is no compulsory provision for the relief of the poor; no machinery has hitherto been instituted for the local government of the rural districts, though a measure is now before Tynwald with this object. On the other hand, there is a School Board (or School Committee, as it is called in Man) in every parish in the Island; and practically these Committees all concur in providing religious education for the children.

In the towns, the growth of the population and the requirements of the nineteenth century are tending to increase the pressure of local taxation, and the rates, though low compared with those in similar circumstances in England, are already high, and are increasing. In the rural districts, on the contrary, the rates only amount on an average to about ninepence in the pound. Small as this sum is, however, it is regarded as a grievous burden, and any policy likely to increase it would almost certainly excite grave opposition.

If local taxation is light, the taxation imposed by Government, compared with that of other countries, is also small. In the Island there is no income-tax; there are no death duties; there are no assessed taxes; with small and unimportant exceptions, there are no stamps. The whole revenue is practically raised by customs duties: even an excise on beer is collected by the officers of the customs and classed as customs duty. The duties for the most part are fixed at lower rates than those in force in England. A considerable proportion of them, moreover, practically falls, not on the resident, but on the visiting population. The revenue amounts to above £72,000; the expenditure to about £60,000 a year. The surplus is applied by Tynwald towards the improvement of the harbours in the Island, and towards effecting other needed public works. During the last quarter

of a century, nearly half a million of money has been so expended, and about half of this sum has been provided out of current revenue. The gross debt of the insular Government does not reach £300,000, and is being rapidly paid off.

Those persons who are familiar with statistics will see from these figures that the Isle of Man enjoys the advantage of singularly light taxation and of exceptionally cheap government. On the other hand, the circumstances which have made it the playground of Northern England have given it great prosperity. Its chief imports are not goods but people, who reach it in their tens of thousands at a time. Probably, in fact, no such traffic exists in the world as that which is maintained in the summer months between Liverpool and Douglas. An English reader may derive some idea of the extent of this traffic if it is added that three people land every year at Douglas for every two that land at Dover.

This traffic would have been impracticable if the great improvements which have been carried out in the harbours had not been effected. Few people, who have not had practical experience of it, have any idea of the difficulty of embarking or disembarking 5000 or 6000 people at the same pier, almost at the same time. Yet this process is carried out almost every day at Douglas during the height of the summer. The extent of the traffic suggested of late years to the Governor the imposition of a penny tax on every ticket. The Tynwald court and the Treasury approved his policy, which has for some few years been in operation. The tax is paid through the steamboat companies, and is perhaps the only extant instance of a tax which involves no charge for its collection; it is so low that it has made no addition to the fares, and it produces a revenue of nearly £3000 a year.

The 300,000 visitors who annually visit the Island neces-

sarily leave large sums of money behind them. It may give some idea of their expenditure if it be added that in 1891 the insular banks exported £450,000 in gold and £120,000 in English and Irish notes. These sums represented the amount which the Island was unable to absorb in its own circulation, or which its people were unable to carry away in their own pockets to England.[1]

The stream of wealth which the visitors thus pour into the Island is constantly adding to the resources of its people. Its effect may be traced in the rapid growth of Douglas and its neighbourhood, and in the increasing value of real property in that town and in its vicinity. But it indirectly benefits other classes of the community. Even the agriculturists, though they have suffered like their English neighbours from the severe depression of the last few years, have not experienced the difficulties which have ruined so many farmers in the British Islands. They have been saved by the constantly increasing demand for milk and dairy produce in the summer months. The rent of agricultural land in the Island generally is not materially lower than it was twenty years ago. In the neighbourhood of Douglas it is maintained at its former level.

The wealth which the visitors bring with them is the more welcome because of late years the fishing industry, on which

[1] The facilities for banking in the Island are very great. There are three joint-stock banks, all of which are banks of deposit and banks of issue. The issue is based on securities deposited with the Governor and Council, and the law directs that, if a bank suspend payment, its notes shall be repaid with 6 per cent. interest from the date of the suspension. The authorised circulation of these banks is £109,000, the average circulation between £50,000 and £60,000. All three banks allow their depositors interest at the rate of 3 per cent. on their current accounts. This circumstance, and the great facilities of banking, have naturally led to a prodigious increase of business, and the deposits exceed £1,300,000; in other words, the deposits amount to £25 for every member of the population.

the Manxmen have so long relied, has not been prosperous. From some mysterious and unascertained cause, the herring have again—it may be hoped only temporarily—deserted the Manx coasts, while the increasing development of the Irish fisheries has led to the presence of a continually growing fleet at the Irish ports, and to a consequent fall in the price of herrings. From these and other reasons, the Manx boats of late years have not succeeded in obtaining that return for their exertions which rewarded them in former times; their owners and their crews have passed through a period of depression and anxiety which has not yet passed away; and the population of Peel, the chief fishing port in the Island, actually declined during the last decade.

These, however, are reflections which are hardly pertinent to this little book, whose object was rather to give a concise account of the history and constitution of the Isle of Man than to describe the present circumstances of its people. In carrying out the chief purport of his work, the author has endeavoured to confine his observations to the Island itself, and to forbear from considering whether arrangements which work in Man are or are not applicable to other communities. The constitution of the Isle of Man is, no doubt, in one sense an anomaly. Consistency might suggest that a little island, smaller than an ordinary English county, might with advantage be absorbed into the United Kingdom, and that Man could be governed at least as easily as the Orkneys or the Outer Hebrides from London. But it may fairly be replied that, while no clear advantage would ensue to the United Kingdom from such a change, the Island itself would suffer a distinct loss, since it would be subjected to higher taxation, would be deprived of its own individuality, and would lose the right of managing its own concerns in its own way, which is perhaps the highest privilege which

any community can obtain. Whatever may be the result of autonomous institutions in other places, autonomy has made the Manx a loyal, orderly, easily governed community. Their virtual independence may be denounced as an anomaly and an anachronism; constitutional writers may succeed in demonstrating that dependent Legislatures are likely either to become inconvenient or to break-down; but anomalies and anachronisms, when they are attended with no evil consequences, have a tendency to survive; and autonomous institutions, at any rate in the Isle of Man, display an increasing capacity for work.

THE END.

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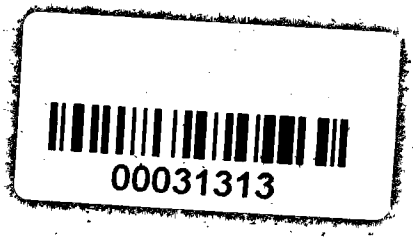

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